

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

RANDY LUNDY,)	
)	
Plaintiff,)	
)	
vs.)	NO. CIV-22-699-F
)	
HL MOTOR GROUP, INC.,)	
HIGHLIGHT MOTOR FREIGHT USA,)	
INC., OLD REPUBLIC INSURANCE)	
COMPANY, AND)	
OGNJEN MILANOVIC,)	
)	
Defendants.)	
_____)	
)	
FARMERS MUTUAL FIRE)	
INSURANCE COMPANY OF OKARCHE,)	
)	
Plaintiff,)	
)	
vs.)	NO. CIV-22-752-F
)	
HL MOTOR GROUP, INC., AND)	
OGNJEN MILANOVIC,)	
)	
Defendants.)	
_____)	

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF
OGNJEN MILANOVIC
LOCATED IN BELGRADE, SERBIA
TAKEN ON BEHALF OF THE PLAINTIFFS
ON MARCH 15, 2023
REPORTED BY: JANA C. HAZELBAKER, CSR

A P P E A R A N C E S

(All parties are appearing via videoconference.)

For the Plaintiff,
Farmers Mutual Fire
Insurance Company
of Okarche:

Gerard F. Pignato
Ryan Whaley
400 North Walnut
Oklahoma City, OK 73104
(405)239-6040
jerry@ryanwhaley.com

For the Defendants,
HL Motor Group,
Ognjen Milanovic,
and Old Republic
Insurance Company:

Michael T. Franz
Lewis Brisbois
Bisgaard & Smith
550 West Adams Street
Suite 300
Chicago, IL 60661
(312)463-3329
michael.franz@
lewisbrisbois.com

For the Plaintiff,
Randy Lundy:

Rodney Stewart
Stewart Law Firm
801 N.W. 63rd Street
Suite 100
Oklahoma City, OK 73116
(405)601-6060
rstewart@rstewartlaw.com

Videographer:

Bruce Rodgers

Also Present:

Joanne Butterworth
Legal assistant
Gerald Knecht

Ognjen Milanovic

March 15, 2023

Page 3

1 C O N T E N T S

2		Page
3	Index of Exhibits	4
4	Stipulations	5
5	Direct Examination by Mr. Pignato	6
6	Direct Examination by Mr. Stewart	75
7	Reporter's Certificate	127

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Ognjen Milanovic

March 15, 2023

Page 4

1	INDEX OF EXHIBITS	
2		Page
3	Exhibit Number 1 (Driver logs)	38
4	Exhibit Number 2 (Photo, Farmers Mutual 0377)	56
5	Exhibit Number 3 (Photo, Farmers Mutual 0374)	57
6	Exhibit Number 4 (Photo, Farmers Mutual 0378)	58
7	Exhibit Number 5 (Photo, Farmers Mutual 0375)	58
8	Exhibit Number 6 (Photo, Farmers Mutual 0376)	59
9	Exhibit Number 7 (Photo, Farmers Mutual 0379)	59
10	Exhibit Number 8 (Photo, Farmers Mutual 0380)	60
11	Exhibit Number 9 (Photo, Farmers Mutual 0382)	60
12	Exhibit Number 10 (Photo, Farmers Mutual 0383)	61
13	Exhibit Number 11 (Photo, Farmers Mutual 0384)	61
14	Exhibit Number 12 (Photo, Farmers Mutual 0385)	61
15	Exhibit Number 13 (Google Maps aerial photo)	62
16	Exhibit Number 14 (Accident Report, Farmers Mutual 0333 through 0339)	64

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1 S T I P U L A T I O N S

2 IT IS HEREBY STIPULATED AND AGREED by and
3 among the attorneys for the respective parties hereto
4 that the videotaped videoconference deposition of
5 OGNJEN MILANOVIC, may be taken on behalf of the
6 Plaintiffs, on MARCH 15, 2023, located in BELGRADE,
7 SERBIA, by Jana C. Hazelbaker, Certified Shorthand
8 Reporter within and for the State of Oklahoma,
9 pursuant to Notice.

10 IT IS FURTHER STIPULATED AND AGREED by and
11 among the attorneys for the respective parties hereto
12 that all objections, except as to the form of the
13 question, are reserved until the time of trial, at
14 which time they may be made with the same force and
15 effect as if made at the time of the taking of this
16 deposition.

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Ognjen Milanovic

March 15, 2023

Page 6

1 OGNJEN MILANOVIC,
2 having been first duly sworn at 1:39 p.m. CST,
3 deposes and says in reply to the questions propounded
4 as follows, to wit:

5 DIRECT EXAMINATION

6 BY MR. PIGNATO:

7 Q Would you state your full name, please?

8 A Milanovic, Ognjen.

9 Q And is Milanovic your last name, sir?

10 A Yes.

11 Q Okay. And Ognjen is your first name?

12 A Yes, sir.

13 Q Can you tell us where you are currently
14 located, in terms of a country and a -- and a city?

15 A Serbia, Belgrade.

16 Q Belgrade, Serbia?

17 A Yes, sir.

18 Q Now, we're taking your deposition today on
19 March 15, 2023. Do you -- first of all, do you agree
20 with that date, that that's today's date?

21 A Yes.

22 Q All right. Do you understand, sir, that I
23 am taking your deposition today in connection with a
24 lawsuit that has been filed by my client, Farmers
25 Mutual Fire Insurance Company of Okarche against you

1 and Highlight Motor Group.

2 Do you understand that?

3 A Yes.

4 Q Okay. Now let me ask this. Have you ever
5 given a deposition like this before?

6 A No.

7 Q Have you prepared anything -- or, I'm
8 sorry, have you reviewed anything in preparation for
9 your deposition today?

10 A I don't think so.

11 Q All right. All right. Well, I want to ask
12 you questions today relating to the accident that
13 occurred back on August 8, 2020, and some related
14 issues.

15 Do you understand that?

16 A I do.

17 Q All right. First let me go over some
18 background questions with you. You've explained that
19 you're currently in Serbia. Do you live in Serbia?

20 A I do.

21 Q How many months of the year do you live
22 there?

23 A Depends. I'm from here. Depends.
24 Sometimes more than less, but for the last few
25 months, here, yes.

1 Q Well, are you --

2 A I have dual citizenship.

3 Q I was going to ask that question. But can
4 you tell me, on average, if possible, how many months
5 a year you spend in Serbia?

6 A Maybe half and half, let's say.

7 Q Okay. All right. What do you do for a
8 living in Serbia?

9 A As of now, nothing.

10 Q I don't know what you mean by "as of now."
11 Are you currently employed?

12 A No.

13 Q When is the last time you were employed in
14 Serbia?

15 A Several years ago.

16 Q You've explained that you're in Serbia
17 today giving your deposition and we're doing this by
18 way --

19 A Yes, sir.

20 Q -- of Zoom. How long have you been in
21 Serbia prior to today?

22 A Maybe a month. I went to Canada for maybe
23 a week and then I came back.

24 Q Now --

25 A And before that, maybe three, four months.

1 Q You've explained that you are not currently
2 employed in Serbia. Can you tell us --

3 A No.

4 Q Excuse me? Okay.

5 Can you tell us what you do in Serbia, why
6 you go back to Serbia?

7 A I live here.

8 Q Do you have family there?

9 A I do.

10 Q All right. Are you a married man?

11 A No.

12 Q All right. Children?

13 A No.

14 Q Do you know how long you will be in Serbia
15 before you return to Canada or any other country?

16 A No.

17 Q You don't have any immediate plans to leave
18 Serbia?

19 A No, I do not.

20 Q All right. You said a few minutes ago that
21 you have dual citizenship. One of the countries is
22 Serbia. What is the other country?

23 A Canada.

24 Q How long have you had dual citizenship?

25 A Since I was a kid.

1 Q Why do you have dual citizenship?

2 A What do you mean, why?

3 Q Is there a particular reason why you chose
4 to obtain dual citizenship, Serbia and Canada?

5 A I -- I grew up in Canada. I was born in --
6 here.

7 Q Your family and you grew up in Canada?

8 A Correct.

9 Q All right. Let's talk a little bit about
10 your education, too. Did you go to school in Serbia
11 or in Canada?

12 A Both.

13 Q All right. What about schooling, like high
14 school. Did you attend high school in either
15 country?

16 A Yes.

17 Q Which country?

18 A Canada.

19 Q Did you graduate from high school?

20 A Yes.

21 Q Did you do anything in terms of schooling
22 after high school?

23 A Yes. Here I went, so -- yeah, here I went,
24 in Serbia, yes.

25 Q All right. Tell me. I'm trying to better

1 understand what additional schooling you obtained,
2 either in Canada or in Serbia.

3 A I don't understand what this has to do with
4 the claim, though.

5 Q Yeah. Well, I'm going over some
6 background, general background questions right now
7 that will help me better understand the claim and the
8 lawsuit I think.

9 A Here I attended a linguistic school. But,
10 again, I don't understand how it's relevant, though.

11 Q Well, you have an attorney, a very capable
12 attorney who is participating in this deposition with
13 you, and if he believes I'm overstepping my bounds he
14 will tell me and he will object. And he may tell you
15 not to answer, under the right circumstances, and I
16 haven't heard him do that yet.

17 A Okay.

18 MR. FRANZ: That's correct, Milanovic --

19 THE WITNESS: Yeah, linguistic school --

20 MR. FRANZ: -- Mr. Milanovic. Go ahead.

21 Go ahead.

22 THE WITNESS: Linguistic school over here,
23 yes.

24 Q (By Mr. Pignato) Did you get any kind of a
25 degree in linguistics school?

1 A Some type of certification. I never
2 finished.

3 Q All right. And then tell me about your
4 first employment. Do you -- can you -- how old a man
5 are you, first of all.

6 A Thirty-eight.

7 Q All right. So you're a young man. What
8 was your first employment?

9 A In general, like -- oh, I cannot see --
10 hold on one second. Okay.

11 The first one, like, ever?

12 Q Well, say when you were in high school.
13 Did you drive a truck?

14 A No. I think the first was at a shoe store.

15 Q All right. Approximately how old were you
16 then?

17 A I wouldn't know. Maybe 17, 18.

18 Q All right. And when were -- how old were
19 you when you first obtained a driver's license?

20 A Seventeen-ish.

21 Q All right. What country was that in?

22 A Canada.

23 Q Did you eventually also get a driver's
24 license in Serbia?

25 A Yes.

1 Q All right. So do you currently have two
2 valid driver's licenses?

3 A I think I only use the Canadian one.

4 Q All right. Is your Serbian driver's
5 license valid today?

6 A I'm not sure.

7 Q To the best of your --

8 A You can use any -- you can use any
9 countries in Europe.

10 Q All right. So you can -- you can use your
11 Canadian driver's license in Serbia?

12 A Yes.

13 Q Have you ever had a driver's license in any
14 other country?

15 A No.

16 Q Have you ever had a driver's license
17 suspended?

18 A No.

19 Q Canceled?

20 A No.

21 Q Now, at some point in time did you get a --
22 what we call here a CDL license? Do you understand
23 what that is?

24 A Yes.

25 Q What does that mean?

1 A A commercial one.

2 Q Yes. Tell me, when did you first get your

3 CDL?

4 A Like, six years ago, something like that.

5 Seven something. I don't remember exactly.

6 Q In what country?

7 A Canada.

8 Q What did you do in order to get that

9 license?

10 A Classes and a road test.

11 Q In Canada?

12 A Yes.

13 Q Was it your desire at the time to drive a

14 truck?

15 A Yes.

16 Q In other words, is that why you wanted a

17 CDL?

18 A Yes.

19 Q You wanted to be able to drive one of those

20 big rigs?

21 A Yep.

22 Q So you've told me approximately when you

23 obtained your CDL. Has your CDL --

24 A Approximately.

25 Q Excuse me?

1 A Approximately, yes.

2 Q Yes. Yes.

3 Has your CDL ever been suspended?

4 A No.

5 Q Or canceled?

6 A No.

7 Q Or revoked for any reason?

8 A No.

9 Q Have you been subject to any disciplinary

10 action as a -- as an over-the-road truck driver in

11 the past seven years?

12 A No.

13 Q Now I want to talk to you also about your

14 medical background and history.

15 A Uh-huh.

16 Q You have lived in both Canada and Serbia

17 growing up, if I understand you correctly, right?

18 A Yes. Yes.

19 Q And did you have a family doctor, either in

20 Canada or in Serbia?

21 A No, I don't think so.

22 Q In other words, whenever you had a flu or

23 an ear infection or sore throat, was there a doctor,

24 a family doctor that your parents took you to?

25 A I don't think so. Just -- Canada is

1 different than states. It's just like an emergency
2 room type thing.

3 Q All right. And I haven't asked this
4 question yet and I meant to. Where in Canada did you
5 grow up?

6 A In southern Ontario, Toronto area.

7 Q All right. Is Toronto your hometown when
8 you're in Canada?

9 A Yes. Yes. When I'm in there, yeah, I stay
10 in Toronto.

11 Q Do you still have family in the Toronto
12 area?

13 A No.

14 Q All your family's currently in Serbia?

15 A Yes.

16 Q Well, if you don't have any family in
17 Canada, why do you go back to Canada?

18 A I don't know. To work, see friends.
19 Canada is economically more advanced than
20 southeastern Europe.

21 Q You stated at the beginning of your
22 deposition that you just recently returned to Serbia
23 from Canada. Do you recall saying that?

24 A I do.

25 Q Why were you in Canada?

1 A For personal reasons.

2 Q Any reasons relating to your -- your
3 health?

4 A No. No.

5 Q No medical reasons?

6 A Just the -- no, no, no, no. No, not at
7 all.

8 Q Have anything to do with your employment?

9 A No.

10 Q So I was asking you whether or not you had
11 a family doctor growing up. And you've --

12 A Uh-huh.

13 Q -- answered that question, I think.

14 Have you ever had a doctor, a general
15 physician check your blood work, take X-rays, just
16 determine and check on your general health?

17 A I suppose so over the years, yes.

18 Q You haven't suffered any kind of major
19 illnesses?

20 A No.

21 Q And you haven't suffered any injuries,
22 major injuries that would have caused you to be
23 hospitalized?

24 A Nothing major. Like, sprained ankle, hurt
25 myself skiing once. Other than that, nothing major,

1 no.

2 Q Now, I know you went to the hospital
3 briefly after the accident that we're talking about
4 in this case. But --

5 A Correct.

6 Q -- aside from that, have you ever undergone
7 a surgery, for example, at a hospital?

8 A I have, yes.

9 Q Tell me about that.

10 A I had my appendix removed when I was young,
11 I think 12, 11, something like that, 13. Yeah, early
12 teens, let's say, I had my appendix removed.

13 Q In Toronto?

14 A Somewhere around that area. I don't
15 remember which hospital it was.

16 Q All right. But it was in Canada?

17 A Yeah.

18 Q All right. Any other surgeries that you
19 can think of?

20 A No. No.

21 Q Aside from anyone you saw as a result of
22 this accident, do you know whether or not you've ever
23 seen a heart doctor?

24 A No.

25 Q What about a neurologist?

1 A Not that I know of.

2 Q Do you know what a neurologist does?

3 A Yeah, I'm aware. My ex-girlfriend was
4 actually a doctor, so I am aware of what a
5 neurologist is.

6 Q Was she a neurologist?

7 A No, she was a cardio surgeon.

8 Q All right. Did she ever talk to you about
9 your own heart?

10 A Yes.

11 Q And the blood vessels surrounding your
12 heart?

13 A Yes.

14 Q Did she ever do any tests on you, like an
15 EKG or an echo study, anything like that?

16 A No. My heart pressure and things like
17 that. Things that we did in the living room.

18 Q All right. She checked your blood
19 pressure?

20 A Yeah.

21 Q How is your --

22 A I have had a good -- good -- I have had
23 a -- like a -- like a general checkup, you know, like
24 men have. I've had that before. So -- yeah.

25 Q Where did -- where did you have that done?

1 A Here and in Canada, I think.

2 Q When is the last time you had a general
3 checkup done?

4 A I don't recall. It's been a while.

5 Q I mean, several years?

6 A Maybe. I really don't recall.

7 Q Do you know if you've ever had any blood
8 work done, blood drawn and lab work?

9 A I have because I've donated blood, so they
10 checked there.

11 Q Where did you donate the blood, in Serbia
12 or Canada?

13 A Here. Here.

14 Q In Serbia?

15 A Yes. They do -- they check for, you know,
16 if it's good or not. So -- before you can be a
17 donor.

18 Q And they told you your blood was good
19 enough to be a donor?

20 A Yes.

21 Q They didn't express any concerns to you
22 about your blood?

23 A No.

24 Q Now, when you've had these general checkups
25 done in the past, did they check your blood sugar

1 where they prick the end of your finger?

2 A Yes. They do that even -- yeah, they
3 check. I'm not diabetic or anything like that.

4 Q You're not that what?

5 A Not diabetic.

6 Q Okay. All right. What is your blood sugar
7 usually, do you know?

8 A No.

9 Q No doctor or healthcare provider has ever
10 told you your sugar level is too high?

11 A No.

12 Q And you're sure that you're not a diabetic?

13 A As far as I know, I'm not.

14 Q And as far as --

15 A I've never had any problems with that, so,
16 no.

17 Q And as far as you know, no healthcare
18 provider has ever told you there's a problem with
19 your blood, correct?

20 A No. No.

21 Q Have -- has a doctor ever taken X-rays
22 of -- of your -- of your chest area, for example?

23 A Maybe. I've had X-rays done before. I
24 don't -- I don't remem- -- I had X-rays done. In my
25 life I had -- had X-rays done, yes.

1 Q Well, you had --

2 A I don't know --

3 Q You had a --

4 A Go ahead.

5 Q You had a skiing accident, you said. You
6 may have had some X-rays done in connection with
7 that?

8 A Yeah. Yeah. Soccer I played when I was
9 younger, so I've had ankle ones, leg ones, yeah.

10 Q Do you play any sports --

11 A I think I --

12 Q Go ahead.

13 A Yeah, I do. I do. Soccer, yeah. Tennis,
14 swim. I swim. So, yeah.

15 Q All right. Let's talk about each of those.
16 Are you -- do you currently play tennis?

17 A Yes.

18 Q How often do you play tennis?

19 A Whenever I can. Not in the wintertime, in
20 the summertime.

21 Q No indoor facilities where you can play
22 tennis?

23 A I don't play indoors, just out.

24 Q Okay. All right. And then you also
25 mentioned you play soccer. Are you currently playing

1 soccer?

2 A Again, it's winter, so only the summertime.

3 Q No indoor facilities where you play soccer?

4 A No, I do not play indoor.

5 Q You said tennis, soccer and swimming.

6 A Swimming. The only thing in the winter is

7 swimming.

8 Q Where do you swim?

9 A They have indoor places here, so -- yeah.

10 Q How often do you swim?

11 A I try once a week, twice, whenever I get

12 the chance.

13 Q Do you swim competitively?

14 A No.

15 Q Just to stay in shape?

16 A Yeah.

17 Q Now, getting back to the questions I was

18 asking about your health, I asked --

19 A Uh-huh.

20 Q -- about X-rays of your body. No one has

21 ever told you that there are any deformities in your

22 skeletal system?

23 A No.

24 Q Do you know what an MRI is?

25 A I do.

1 Q Okay. Tell me what you -- what you know of
2 an MRI. What is it?

3 A Magnetic Resonance. Is that what it stands
4 for?

5 Q That's very good.
6 Do you know what it does?

7 A It takes a scan.

8 Q Okay. You learned that from your
9 ex-girlfriend?

10 A Yes.

11 Q Can you tell me if -- to the best of your
12 recollection, if you have ever had any MRIs done on
13 any part of your body?

14 A I think that time after the incident
15 happened I -- I was loopy, but I think that they gave
16 me that. I think. I don't know what it was.
17 Maybe -- I can't recall whether it was CAT or MRI,
18 but I think they did something there. But, again,
19 I -- I really don't recall as I was semi-conscious at
20 the time.

21 Q And when you say -- you're referring to the
22 accident that occurred on August 8 --

23 A Yes.

24 Q -- of 2020?

25 A Yes.

1 Q Okay. And then you also mentioned a CAT.
2 And that was my next question, actually. I was going
3 to ask you if you knew what a CAT scan was.

4 A Yeah. Less detailed scan, let's say. The
5 MRI is the deep one where they do -- to the best of
6 my recollection, to my understanding, the deep one
7 where they do, like, a 3D image or whatever. I'm not
8 an expert on these things, just -- yeah.

9 Q Yeah, I know you're not an expert. I'm
10 merely asking you questions to find out what you do
11 know so I can learn.

12 So you think you had either an MRI or a CAT
13 scan done at the hospital following your accident
14 here?

15 A Yeah, yeah, some type of scan. I don't
16 know what it was.

17 Q Since this accident, up to the present
18 time --

19 A Uh-huh.

20 Q -- have you had any other CAT scans done?

21 A No.

22 Q Or MRIs?

23 A No.

24 Q Have you seen any cardiologists since this
25 accident?

1 A No.

2 Q Have you seen any endocrinologist or
3 doctors who specialize in the area of diabetes since
4 this accident?

5 A No.

6 Q Have you seen any neurologists since this
7 accident?

8 A I don't think so.

9 Q You seem to be a man of pretty good health,
10 would you agree?

11 A Yes.

12 Q I asked you about surgeries and
13 hospitalizations, and you can't think of any other
14 occasions, whether it be as a result of a health
15 issue or an injury, that you would have been
16 hospitalized, am I correct?

17 A No, nothing serious. Not -- no.

18 Q You have health insurance, don't you?

19 A We don't have it here. It's standardized.

20 Q Okay. What do you mean by "standardized"?

21 A It's not like in the states. Here, as in
22 Canada, you walk in and you walk out. There's no
23 insurance. You don't pay anything. You --
24 everybody's covered as long as you're a citizen.

25 Q So, then, money is not a reason not to see

1 a doctor, would you agree?

2 A No, it does not cost anything here, nor
3 does it cost anything in Canada. When -- we don't --
4 it's not an issue. It's -- it's -- it's our right
5 for everybody. So, yes, it doesn't cost one dollar
6 to go to the doctor here.

7 Q Sounds like a good system, doesn't it?

8 A To some extent, yes.

9 Q Now, we talked about your CDL. You got
10 your CDL, you've explained, approximately five to
11 seven years ago.

12 What was your first trucking job after
13 that?

14 A Regular one. Just driving, I guess.

15 Q Well, was it for a Canadian company?

16 A Yes.

17 Q Have you worked for any truck companies in
18 Serbia?

19 A No.

20 Q So your trucking experience would be
21 limited to Canada and Canadian companies?

22 A Well, here, too, but it would be
23 construction companies mostly.

24 Q All right. But your first trucking job was
25 in Canada?

1 A Correct.

2 Q You don't recall the name of the company?

3 A No.

4 Q What kind of trucks?

5 A Big ones.

6 Q Did you have a particular region or
7 territory where you drove?

8 A No.

9 Q How long did you work at that --

10 A You go everywhere.

11 Q When you say "everywhere," everywhere in
12 Canada?

13 A Yes.

14 Q And I'm talking about your first job right
15 now. Did you also drive in the United States?

16 A Yes.

17 Q So the CDL that you have at the present
18 time, does it allow you to drive in Canada and the
19 United States?

20 A Yes.

21 Q And based on the testimony you gave
22 earlier, are you allowed to use that CDL in Serbia?

23 A No. I -- well, I don't think so. I
24 wouldn't know. They -- in Europe they have a
25 different one so you have to switch it over.

1 Q But it hasn't been an issue anyway because
2 you don't drive in Serbia, right?

3 A I do.

4 Q You drive cars?

5 A Yes.

6 Q Have you driven any trucks?

7 A No.

8 Q All right. That's what I was trying to
9 understand.

10 A Up to a certain weight. The big ones, no.

11 Q Now, have you had to do anything to keep
12 your CDL current?

13 A Here, I do, actually. The equivalent of
14 ministry of transportation.

15 Q All right.

16 A I have to go there and -- yeah.

17 Q Well, why do you need -- you said "here,"
18 and I assume you're talking about Serbia?

19 A Yes.

20 Q All right. Let's -- let's talk about
21 Canada for a moment. Have you been required to do
22 anything in Canada to maintain your CDL?

23 A Medical tests and periodically -- yeah,
24 medical tests.

25 Q And tell me what those medical tests

1 entail.

2 A They test coordination, blood work, drug
3 testing. Same as in the states.

4 Q Has anyone indicated to you that -- or
5 expressed any concerns to you about your blood work
6 or the medical tests you performed?

7 A No.

8 Q As far as you're concerned --

9 A I mean, they wouldn't pass me.

10 Q Right.

11 A Well, if you -- if there's a problem with
12 it, you don't pass.

13 Q You have --

14 A And periodically I don't -- I don't
15 remember how often it is, but periodically, yeah, it
16 is a medical where they test everything. Hand-to-eye
17 coordination, vision, blood, all that.

18 Q You've passed each time?

19 A Yes.

20 Q No one ever expressed any concerns to you
21 about your medical tests?

22 A No.

23 Q And, in fact, your CDL is current and valid
24 in Canada, correct?

25 A Yes.

1 Q Now, explain to me how it works. You've
2 got a Canadian CDL. How is it that you're allowed to
3 drive in the United States?

4 A The same as United States CDL are allowed
5 to do the same thing in Canada. It's a treaty
6 between the two countries.

7 Q All right. And sometimes people refer to
8 it as "reciprocity." Have you ever heard of that
9 word?

10 A I have.

11 Q All right. So you're allowed to use your
12 Canadian CDL in United States. And, likewise, a
13 truck driver who has a CDL issued in the
14 United States is allowed to drive in Canada.

15 Is that your understanding?

16 A Yes.

17 Q Okay. Now, do you have to do --

18 A The only thing --

19 Q Go ahead.

20 A The only thing you're not allowed -- you
21 can't -- as a Canadian, you can work for a Canadian
22 company. You are not allowed to work for an American
23 company and vice versa. So you, as an American,
24 would not be allowed to go up to Canada and live and
25 work there, you would have to have special permits or

1 whatnot.

2 So long as it is a Canadian company dealing
3 with import and export to Canada, Canadian CDL is
4 fine and vice versa.

5 For example, I can't go to Texas and deal
6 with a client from Texas and then go deal with a
7 client from Arizona. They call that "interstating."

8 If I go to Texas, I have to come back to
9 Canada.

10 Vice versa, for an American driver, if he
11 goes -- work or whatever, goes to Canada to Ontario,
12 he has to come back to the states. So that is how it
13 works.

14 Q Thank you. That was helpful.

15 A Uh-huh.

16 Q And where did you learn to maintain logs?

17 A In the school.

18 Q The school when you first obtained your
19 CDL?

20 A Yes.

21 Q Tell me how you keep your logs. In other
22 words, is it -- in the old days it was an actual
23 notepad where you wrote down what you did that day
24 and when you did it, et cetera.

25 How is it done today and how do you do it?

1 A Electronically.

2 Q And where is that maintained? Inside the

3 truck?

4 A Yes.

5 Q Are you required to maintain your logs?

6 A Yes.

7 Q Does your employer supervise you to

8 maintain your -- keeping your logs current?

9 A Yes, I believe so.

10 Q So when you maintain your logs

11 electronically, can your employer read it at the same

12 time, miles away?

13 A I think that they can, yes. I think so.

14 I'm pretty sure they can, yeah.

15 Q In other words --

16 A They know where you are -- they know where

17 you are all the time.

18 Q Right. But if you're in Oklahoma, your

19 employer in Toronto can access your logs to see what

20 you did during that day, can't he?

21 A I believe. I'm not sure. But I -- I -- I

22 think that they can because they exactly know where

23 you are. They know, more or less, everything.

24 That's standard practice. I believe they can, yes.

25 Q All right. And once you make an entry in

1 your logbook or enter a log indicating where you were
2 and what you did, et cetera, can you change it?

3 A Some things you can, some things you
4 cannot.

5 Q What can you change?

6 A If you have something wrong, like off duty
7 time and on duty time, small things, but as far as
8 moving and working, that cannot be changed.

9 Q Okay.

10 A So if you are working, that -- that is set
11 in stone. I -- there is no changing that. So you
12 cannot even -- you have a certain amount of hours in
13 a day and that cannot be changed, no. I don't
14 think -- I don't -- I've never heard of anybody that
15 can change that.

16 Q How many hours in a day are you allowed to
17 drive?

18 A In Canada, 13. In the states, 11.

19 Q So if you are driving in the states, do you
20 try to limit your driving time to 11 hours a day?

21 A Well, you don't try, you have to, yes.

22 Q Tell me why you have to.

23 A Because you're constantly checked, so you
24 have to.

25 Q Checked --

1 A And it's never 11, it's --

2 Q Go ahead.

3 A The various government bodies, the scales,
4 the troopers, I don't know, anybody can check you, so
5 it's never 11, it's less. You always stop less. You
6 have to have a time frame where you can park,
7 whatever.

8 Q Are there any requirements, either imposed
9 by your employer or by the law, to the best of your
10 knowledge, that limits the amount of sleep time you
11 can have?

12 A Limits it?

13 Q Well, I shouldn't have said "limit." I
14 should have said "addresses" the amount of sleep time
15 you're allowed.

16 A Well, you're allowed as many as you want,
17 but there -- there's a minimum.

18 Q What is the minimum?

19 A It's eight.

20 Q Eight hours?

21 A Uh-huh.

22 Q Yes?

23 A Uh-huh.

24 Q Well, you're saying "uh-huh."

25 A It's -- I think -- I think it's eight,

1 but -- I think it's eight, technically, but I think
2 it -- all in, it would be a ten-hour break. I'm not
3 sure.

4 We have on our -- now. What would it be in
5 Canada? Ten hours a total stop. So I don't know
6 exactly what the sleep time would be, but a ten-hour
7 is the total break.

8 Q Do you know what the allowed sleep time --
9 or the minimum amount of sleep time is in the
10 United States?

11 MR. PIGNATO: We've lost you.

12 He's frozen.

13 Can anyone else hear me?

14 MR. FRANZ: I can hear you.

15 (Recess taken from 2:19 p.m. to 2:24 p.m.)

16 Q (By Mr. Pignato) Mr. Milanovic, we're back
17 from the break. Are you ready to proceed?

18 A I am.

19 Q All right. I noticed at the very beginning
20 of the deposition you took a drink of something.
21 What was that?

22 A Say it again, please.

23 Q Are you drinking anything at the present
24 time?

25 A I am.

1 Q What are you drinking?

2 A Juice.

3 Q Okay. In a wine glass?

4 A It's a regular glass. Is that --

5 Q All right.

6 A I don't understand how that's relevant.

7 Q I was just curious what you were drinking,

8 sir.

9 We were talking about logs and that sort of

10 thing.

11 A I didn't mean to disrespect anybody. It's

12 late here, so --

13 Q You didn't disrespect anybody.

14 A All right. Sorry.

15 Q Now, tell me what kind of rules are imposed

16 by your employer with respect to consumption of

17 alcohol while you're driving?

18 A Well, you cannot do it. Simple as -- like

19 that.

20 Q Now, were you taught and trained that?

21 A Yes.

22 Q And since you have had your CDL, have you

23 ever consumed alcohol while driving a truck?

24 A No.

25 Q Have you ever been intoxicated while

1 driving a truck?

2 A No.

3 Q Do you drink alcohol?

4 A Yes. Occasionally, yes.

5 Q How often?

6 A I don't know. On a weekend.

7 Q What's your favorite drink?

8 A Anything, maybe a beer.

9 Q Do you take any medications, sir?

10 A No.

11 Q Now, going back to August of 2020, were you
12 taking any medication at -- during that period of
13 time?

14 A No. They -- I did get tested after it
15 happened.

16 Q Tested for what?

17 A For everything. Any substance. They do,
18 like, a blood test.

19 Q All right. And what were the results of
20 your blood test?

21 A Negative.

22 (Whereupon, Exhibit Number 1 was marked for
23 identification purposes and made a part of the
24 record.)

25 Q (By Mr. Pignato) I want to mark and show

1 you some -- mark as an exhibit and show you some
2 records, Mr. Milanovic.

3 We're going to mark it as Exhibit Number 1,
4 a copy of your logs that have been produced to us in
5 this case. And they've been Bates stamped by your
6 attorney Highlight 340 through 350.

7 And I want to ask you a couple of questions
8 about these when we get them up on the screen. Okay?

9 A Uh-huh.

10 Q Let's start with -- I'm going to tell you
11 which page I'd like to begin with. Let's start with
12 Bates 347.

13 (Document is displayed).

14 Now, Mr. Milanovic, I understand you're
15 using your cell phone for this deposition.

16 A Uh-huh.

17 Q Am I correct?

18 A Yes.

19 Q Can you see what I just put up on the
20 screen? Because I can enlarge certain parts of it if
21 you'd like.

22 A No, it's fine. I can see.

23 Q Can you identify it for me?

24 A It's a log.

25 Q Is it your log?

1 A I believe so.

2 Q Is it your log -- well, can you tell me the
3 date of this log?

4 A 2020/8/7.

5 Q In other words, it would be August 7, 2020?

6 A Sure. Yes.

7 Q That would be the day before this accident?

8 A I guess. It's been a while. I don't
9 remember exactly when.

10 Q Help us understand what we see on this
11 document. Okay? Because I, like most of the members
12 of the jury who are going to be looking at this,
13 don't understand it that well. We don't do logs, so
14 I want you to educate me. Okay?

15 A Uh-huh.

16 Q Will you do that? Take me through it.
17 Tell me what these bar lines mean -- mean at the top.
18 There's one in green -- actually, there's a couple in
19 green and a couple in gray. Tell me what all this
20 means.

21 A I'm not sure.

22 Q We're enlarging it so you can see it
23 better.

24 A I can see it.

25 Q All right. Can you see it better?

1 A Yes.

2 Q Is this your log?

3 A I think so.

4 Q All right. Well, help us interpret it, if

5 you would.

6 A Uh-huh.

7 Q Go ahead and explain what we're seeing

8 here.

9 A On duty, off duty, sleeper --

10 Q All right. Let's -- it says "Off Duty:

11 0h36m58." What do those numbers and letters mean?

12 A Which one?

13 Q Well, I'm starting in the upper right

14 corner where it says "Off Duty."

15 A Uh-huh.

16 Q What does that mean?

17 A I think it's pretty self-explanatory. Off

18 duty.

19 Q Sleeping?

20 A Yes.

21 Q All right. But what do the letters and

22 numbers mean?

23 A Which letters and which numbers?

24 Q "0-h," what's that mean?

25 A "H"? It's hours.

1 Q All right. Is that a zero? Yeah, it's a
2 zero. "0-h," so that means zero hours?

3 A I -- I believe.

4 Q And then it says "36." What's the 36 mean?

5 A I'm not sure.

6 Q And then it says -- there's a small "m."
7 What does that mean, minutes?

8 A Yes, I believe.

9 Q And then there's a number "58." What does
10 that mean?

11 A I -- I can only assume seconds, because
12 it's hours, minutes and then seconds.

13 Q Well, who created this document?

14 A The people that created this software
15 program.

16 Q Well, who supplied the information that's
17 in this document?

18 A I'm not sure what you mean.

19 Q The numbers "36" and "58," did you provide
20 those numbers?

21 MR. FRANZ: Counsel, I'll object to the
22 extent that that was produced by the company, not
23 Mr. Milanovic. So -- and you haven't established
24 that this witness has any real knowledge of the
25 document itself. I mean, I don't mind you asking him

1 questions about his hours, but he had -- he didn't --
2 he didn't testify he prepared the document.

3 Q (By Mr. Pignato) Have you seen this
4 document before, sir?

5 MR. FRANZ: You can answer Milan- --
6 Mr. Milanovic.

7 THE WITNESS: I -- at some point maybe.
8 I -- I don't recall seeing it.

9 Q (By Mr. Pignato) Well, do you have to
10 identify the time slot in which you sleep or rest?

11 A Yes.

12 Q You do that on your log --

13 A Every --

14 Q Go ahead.

15 A Yes. Yeah, I do, every single day, but you
16 cannot expect me to remember something that happened
17 as far back as that. So --

18 Q I'm not --

19 A -- I'm sure --

20 Q I'm not asking you to remember how -- when
21 you slept on August 7, 2020, I'm asking you to help
22 me understand what this document says. Okay?

23 A Off duty hours, sleeping, drive -- it's
24 self-explanatory. I enter it and then the system
25 gives me this thing. I -- I -- I -- I cannot adjust

1 or do anything for that. It's very self-explanatory.
2 Off duty 36 hours -- sorry, 36 minutes, 58 seconds.
3 Minimum is 30 minutes. And then the rest, again, is
4 self-explanatory.

5 I do not put -- I enter it into the log and
6 then it shows up like this. I do not physically make
7 this document. It's made on its own.

8 Q I think I better understand your answer now
9 and I thank you for that.

10 A Uh-huh.

11 Q You provide the information electronically
12 and you have no control over the format in which it
13 is produced.

14 Am I hearing you correctly?

15 A Uh-huh. Yes.

16 Q And, for example, next it says "Sleeper
17 Berth." And we have again "13h05m22." You provided
18 the information and it came out in this format,
19 correct?

20 A Yes.

21 Q Now, again I'm going to direct your
22 attention to the horizontal bars that we see. For
23 example, we see --

24 A Uh-huh.

25 Q -- "7 hours 48."

1 Do you see that, the first one?

2 A Uh-huh. Uh-huh.

3 Q Tell me what --

4 A Uh-huh.

5 Q Do you know what that means?

6 A I -- I suppose it would be the stop of the
7 driving.

8 Q Well, that's my question. We appear to
9 start perhaps at midnight on the 7th, and we have
10 seven hours and 48 minutes that takes us to 7:00 --
11 almost 8:00 in the morning. Am I correct in
12 understanding that?

13 A I guess.

14 Q You're guessing now. I need you to do more
15 than guess. Tell me what that means, if you know.

16 A That it says "Start Time, Duration," and
17 then "Activity."

18 Q Yeah. Can you tell me if that means you
19 drove seven hours and 48 minutes?

20 MR. FRANZ: Objection as to the form of the
21 question. Why don't you just ask him if he drove
22 that time, if he recalls. The document speaks for
23 itself.

24 MR. PIGNATO: All right. Now, in the
25 western district, sir, you object to the form. Okay?

1 MR. FRANZ: I did object to the form.

2 MR. PIGNATO: No, that was hardly a form
3 objection and I won't tolerate it again.

4 MR. FRANZ: You won't tolerate it? Okay.

5 MR. PIGNATO: I won't. I'll shut this down
6 and move for sanctions. That's what I'll do.

7 MR. FRANZ: Wow.

8 Q (By Mr. Pignato) Mr. Milanovic, can you
9 tell me from looking at that bar where it says
10 "7h48," if you drove seven hours and 48 minutes?

11 A I cannot. I -- I don't recall.

12 Q You can't tell from this document, sir, if
13 that means that you drove seven hours and 48 minutes,
14 can you?

15 A What it says is the start time is 7:48.

16 Q All right. That's what I'm trying to find
17 out is what this means to you, if anything.

18 A I suppose it means it -- the start time was
19 7:48.

20 Q Tell me, then, what happens next where we
21 go into a lower bar where it says "four hours 22."
22 Do you know what that means?

23 A Which lower bar?

24 Q Well, right past the bar that we were
25 talking about where it says "7h48."

1 The next bar in gray says "4h22." Do you
2 know what that means?

3 A No.

4 Q And you don't recall how many hours you
5 drove on August 7, 2020, do you?

6 A I think it's ludicrous for me to tell you
7 how many I did on that day. How could I possibly
8 remember?

9 Q I'm not suggesting you should remember, I'm
10 just confirming that you don't remember. True
11 statement?

12 A No, I don't.

13 Q All right. Then we've got another gray bar
14 and it says "4h52." Do you know what that means?

15 A No, I don't.

16 Q Then we have a --

17 A Off -- I -- I assume some type of off duty.

18 Q Why do you assume that?

19 A Because it's in gray.

20 Q Gray means off duty?

21 A Or on duty. Or on. But it -- it isn't
22 working or driving, so I would not know.

23 Q All right.

24 A On duty maybe. I don't know. I really
25 don't know.

1 Q That's fine. You can only tell me what you
2 know, and if you don't know just tell me you don't
3 know. Okay?

4 A I don't know. I don't know. Sorry.

5 Q And then the last bar --

6 A Maybe on duty.

7 Q Okay. The last bar is another green bar
8 and it says "5h17." You don't know --

9 A Uh-huh.

10 Q -- what that means, either?

11 A No.

12 Q Very well.

13 A I do not.

14 Q Now if we look down at the bottom of the
15 page, have you seen this format before?

16 Can you go up a little higher to give the
17 titles? I want to start here.

18 For example, there's columns that say
19 "Start Time, Duration, Activity, Location."

20 Do you see those?

21 A Yep.

22 Q Have you seen this type of a document
23 before?

24 A This type, yes, sure.

25 Q You have?

1 A Uh-huh.

2 Q Okay. So we -- we begin with a start time
3 of zero. And then under "Duration" we say "7h48m20
4 sleeper."

5 Does that mean you were sleeping during
6 that period of time, or at least resting?

7 A Yes.

8 Q Okay. That helps.

9 Then it says "Location: Four miles
10 southwest of Brights Grove."

11 Where is Brights Grove?

12 A I have absolutely no idea.

13 Q All right. Well, I ask that because it
14 says "O-N," and I didn't know if that was in Ontario.

15 A Yes, I assume Ontario.

16 Q Okay. So --

17 A Yeah, right there. Okay. Point
18 (inaudible). Yeah, yeah, yeah, for sure. Yeah, it's
19 all Ontario and Canada border.

20 Q All right. And if we follow this, does
21 this tell us, then, when you're driving and when
22 you're off duty and -- and sleeping and where your
23 location is at that point in time?

24 A I suppose, yes.

25 Q And then if we -- I'm going to go to the

1 next page now and I'll show you -- I'll wait until
2 you get there -- which is Bates 348?

3 A Uh-huh.

4 Q And you'll notice the date, sir, up in the
5 upper left-hand side. This is August 8, 2020.

6 Do you see that?

7 A Uh-huh.

8 Q And that -- is that a "yes"?

9 A Yes, I see it.

10 Q Yeah. And I'm not trying to be rude when I
11 do that, we just want to make sure the court reporter
12 gets it down correctly. Okay?

13 A Yeah.

14 Q So I will represent to you, sir, that
15 August 8, 2020, was the date of this accident.

16 Will you accept that?

17 A Sure.

18 Q All right. So I want to talk to you about
19 your schedule on August 8, 2020.

20 Do you have the ability to interpret this
21 document and tell me what you were doing throughout
22 that day up until the time of the accident?

23 A I can interpret it to the best of my
24 ability, yes.

25 Q All right. Would you do so, please, and

1 tell me if you're using the horizontal bars that we
2 looked at on the previous day or whether you're
3 looking at the columns at the bottom of the page.

4 A I can do both. So it's 5:01 sleeper.
5 Six miles in -- somewhere in Illinois.

6 Then a 35-minute break or on duty. It says
7 "on duty," but there's no driving, so --

8 Q Can I ask you a quick question? Let me ask
9 you --

10 A Go ahead.

11 Q -- what's -- what's the difference between
12 on duty and driving?

13 A If the vehicle isn't moving. The only
14 thing that is controlled by the -- the log would be
15 the driving time. That -- that we have no control
16 over.

17 Q Well, then --

18 A So when you stop --

19 Q Go ahead.

20 A Go ahead.

21 Q I was going to ask you --

22 A No, no, when you stop --

23 Q What does --

24 A Yes.

25 Q -- "on duty" mean to you?

1 A It is action or a border crossing or
2 something like that.

3 Q Getting gas, stopping at a store?

4 A Getting gas, yes. We don't really stop at
5 stores because they won't fit. So inspection scale,
6 something like that.

7 Q All right. Very good. I want you to take
8 me through where you were at what times that day, if
9 you would.

10 A Okay. I can look at here. Joplin, Joplin.
11 I -- again, I have no recollection of this.

12 Q You're just telling me what the document
13 says right now?

14 A Correct. I don't -- I simply don't
15 remember.

16 Q Is there a particular reason you don't
17 remember what you did on that day at what time?

18 A Yes. As it's very repetitive and we go to
19 so many places that you simply cannot keep track.
20 It's like clockwork. I -- I -- I simply cannot
21 remember because it's always different places every
22 single day. Therefore, it isn't as if I were on
23 vacation, for example where I could tell you I went
24 to Hawaii and I remember it. It's just work and I
25 simply don't remember one day from the next.

1 I guess a few days back I could, but
2 something as far along as a few months before, no, I
3 could not remember at all.

4 Q Isn't that why you're required to maintain
5 logs, so that you can refer back to the logs to
6 refresh your memory?

7 A I suppose so, yes.

8 Q And that's why I'm asking you to take me
9 through this, so I will better understand what you
10 were doing on that day, when you were doing it, and
11 where you were prior to the accident.

12 A I can tell you as much as you can see. It
13 says, "Joplin, Joplin, Joplin, Joplin." Then
14 whatever -- however you pronounce this, "Chole-paw."

15 Q Choctaw.

16 A Whatever. And then "You" --

17 Q Yukon.

18 A Yukon. Yu- -- yeah. I can just read it to
19 you as -- as you can read it. Other than that, I
20 have -- I don't remember it at all.

21 Q And you can't help me better understand
22 what "off duty" means versus "driving" on that day?
23 I'm sorry, I said "off duty." I meant on duty. I
24 meant to say "on duty," so I'm going to ask the
25 question again.

1 Can you help me better understand the
2 difference between "on duty" versus "driving" on
3 August 8th, 2020?

4 A If it's -- if -- if the vehicle is moving,
5 then it would be driving.

6 If it is not, it can be on duty or off
7 duty.

8 Q Do you recall driving down the Turner
9 Turnpike?

10 A I do not.

11 Q I want to show you some photographs and ask
12 you some questions that relate to the accident,
13 Mr. Milanovic.

14 A Go ahead.

15 Q What do you recall of this accident? It's
16 a broad question and I'm intentionally asking it
17 broad and then I'll narrow it down.

18 A Nothing.

19 Q Do you recall being taken to the hospital?

20 A No.

21 Q Do you recall anything that was said to you
22 by any of the medical personnel in the ambulance?

23 A No.

24 Q Do you recall anything that was said to you
25 by the medical personnel in the hospital?

1 A Yes. After, yes.

2 Q After what?

3 A Hours after, I recall.

4 Q After you were discharged from the hospital
5 or while you were in the hospital?

6 A While I was still there.

7 Q Now, do you know how long you were in the
8 hospital?

9 A No.

10 Q Do you know if you were in the hospital,
11 say, more than four hours?

12 A I do not recall.

13 Q Did you spend a night in the hospital?

14 A No.

15 Q When you were discharged from the hospital,
16 where did you go?

17 A A hotel.

18 Q In Oklahoma City?

19 A In that area. I don't remember where.

20 Q How did you get to the hotel?

21 A Taxi, I think.

22 Q Did you make the arrangements and
23 reservations for the hotel?

24 A I do not recall. I was pretty shaken up at
25 that point. I don't recall who did.

1 Q How long did you stay at the hotel?

2 A Until the next morning.

3 Q Have you seen any doctor, physician or
4 healthcare provider since the accident in connection
5 with -- well, strike that, let me rephrase the
6 question.

7 (Whereupon, Exhibit Number 2 was marked for
8 identification purposes and made a part of the
9 record.)

10 Q (By Mr. Pignato) I don't want to get ahead
11 of myself. I want to show you a couple of pictures,
12 sir.

13 I'm going to show you some photographs that
14 were taken by the investigating police officers at
15 the scene of the accident. And if you don't know
16 anything about these photographs, you don't recognize
17 them, just tell me so and I'll move on to the next
18 picture. Okay?

19 (Document is displayed).

20 A No recollection.

21 Q All right. So let me ask the question.

22 Do you recall this area of the fencing that
23 your vehicle drove through as it left the highway?

24 A No.

25 Q Are you aware that your semi took out this

1 fence as it left the highway?

2 A No.

3 (Whereupon, Exhibit Number 3 was marked for
4 identification purposes and made a part of the
5 record.)

6 Q (By Mr. Pignato) Next photograph.

7 (Document is displayed).

8 In this photograph, sir, I'll represent to
9 you that the home in the middle of the picture that
10 shows the damage to a portion of the house was owned
11 by a lady by the name of Earlene Carr.

12 Do you recognize that home?

13 A No.

14 Q Do you recognize the damage?

15 A No.

16 Q Have you ever seen a photograph like this
17 of this home and this damage?

18 A No.

19 Q Do you recall driving just to the left of
20 this home?

21 A No.

22 Q You'll notice in this picture -- we'll see
23 a better picture coming up, but in this picture
24 you'll see that there is a home on the left that is
25 also -- has also been struck by your truck.

1 Do you see this home?

2 A I don't recall any of that.

3 (Whereupon, Exhibit Number 4 was marked for
4 identification purposes and made a part of the
5 record.)

6 Q (By Mr. Pignato) All right. That's fair.
7 We'll go to the next picture.

8 (Document is displayed).

9 This is a photograph, sir, of the debris
10 field left after you struck Ms. Carr's home.

11 Do you recognize any of this?

12 A No.

13 Q Were you aware or have you ever been aware
14 that your vehicle caused this much damage to a home?

15 A No.

16 (Whereupon, Exhibit Number 5 was marked for
17 identification purposes and made a part of the
18 record.)

19 Q (By Mr. Pignato) Next photograph.

20 (Document is displayed).

21 I anticipate your answer to this question,
22 as well, but let me ask the question. Do you -- have
23 you ever seen this photograph before?

24 A No.

25 Q And do you recall causing this much damage

1 to the two homes?

2 A No.

3 (Whereupon, Exhibit Number 6 was marked for
4 identification purposes and made a part of the
5 record.)

6 Q (By Mr. Pignato) Next photograph.

7 (Document is displayed).

8 Another photograph we're taking at a
9 different angle. Now we're looking back at the
10 highway from which you came. And this is the -- part
11 of the damage to the other house.

12 Do you recall being aware that you had
13 caused this much damage to this neighbor's house?

14 A No.

15 Q Do you know if anyone at either of these
16 homes was home at the time of the accident?

17 A No.

18 (Whereupon, Exhibit Number 7 was marked for
19 identification purposes and made a part of the
20 record.)

21 Q (By Mr. Pignato) Next photograph.

22 (Document is displayed).

23 Do you know anything about the damage to
24 this automobile?

25 A No.

1 Q Have you learned since the accident that
2 your truck also caused damage to this automobile?

3 A No.

4 (Whereupon, Exhibit Number 8 was marked for
5 identification purposes and made a part of the
6 record.)

7 Q (By Mr. Pignato) Next photograph.

8 (Document is displayed).

9 Photograph showing the direction your
10 vehicle took after it made impact with these homes
11 and eventually came to a rest.

12 Have you seen this before?

13 A No.

14 Q Do you know where your vehicle came to a
15 rest?

16 A No.

17 Q Do you know why it came to a rest?

18 A No.

19 Q Did you apply the brakes to make it come to
20 a rest?

21 A I have no recollection of that day at --
22 whatsoever.

23 (Whereupon, Exhibit Number 9 was marked for
24 identification purposes and made a part of the
25 record.)

1 Q (By Mr. Pignato) Next photograph.

2 (Document is displayed).

3 Do you have any recollection of your
4 vehicle coming to a rest in this manner?

5 A No.

6 (Whereupon, Exhibit Number 10 was marked
7 for identification purposes and made a part of the
8 record.)

9 Q (By Mr. Pignato) Next photograph.

10 (Document is displayed).

11 Or in this manner?

12 A No.

13 (Whereupon, Exhibit Number 11 was marked
14 for identification purposes and made a part of the
15 record.)

16 Q (By Mr. Pignato) Next photograph.

17 (Document is displayed).

18 Another angle of the same position. Do you
19 have any recollection of being able to bring your
20 vehicle to a stop?

21 A No. No.

22 (Whereupon, Exhibit Number 12 was marked
23 for identification purposes and made a part of the
24 record.)

25 Q (By Mr. Pignato) Next photograph.

1 (Document is displayed).

2 This one shows some of the debris from one
3 of the homes inside your windshield.

4 Do you recall this?

5 A No.

6 Q Do you know if you were able to exit your
7 door from the truck?

8 A No, it was not -- what they told me was
9 that they took me out.

10 Q They took you out how?

11 A I -- I was unconscious at the time.

12 Q You don't know how they took you out of the
13 truck?

14 A No, I don't.

15 (Whereupon, Exhibit Number 13 was marked for
16 identification purposes and made a part of the
17 record.)

18 Q (By Mr. Pignato) Next photograph.

19 Now, I'm going to mark all these as
20 separate exhibits, and I admittedly haven't been
21 keeping track of what they are. We'll get -- we'll
22 organize that in a little bit.

23 Let me show you one more photograph.

24 (Document is displayed).

25 Mr. Milanovic, this is going to be an

1 aerial view, I think maybe off of Google Earth or
2 something similar.

3 Have you ever looked at an aerial view of
4 the neighborhood in question?

5 A No.

6 Q Now, do you know whether or not you took
7 out a guardrail before you left the roadway, or if
8 you left the roadway just before the guardrails
9 appeared?

10 A No.

11 Q If I represented to you, sir, by way of
12 this red line, that this is the direction your
13 vehicle took before it came to a stop, would you be
14 able to dis- -- would you be able to disagree with
15 that?

16 A I wouldn't disagree or agree. I don't
17 recall.

18 Q All right.

19 A I'll take your word for it.

20 Q Do you recall making any statements to the
21 investigating trooper at the scene of the accident or
22 at the hospital?

23 A I believe that he told me that I was lucky
24 to be alive.

25 Q You do recall that statement being made?

1 A Yeah. Yeah. Yeah, I do.

2 Q Was that in the hospital?

3 A Yeah, just before I left.

4 Q Was that a male or female officer?

5 A Male.

6 Q Was that an African-American male or a
7 Caucasian male?

8 A It was a black guy, yeah.

9 (Whereupon, Exhibit Number 14 was marked for
10 identification purposes and made a part of the
11 record.)

12 Q (By Mr. Pignato) I want to ask you -- I'm
13 going to mark as the next exhibit the accident
14 report.

15 (Document is displayed).

16 And, in particular, sir, on Bates 337 --
17 I'm going to identify the Bates number for counsel in
18 this case. The accident report is Bates -- it's
19 Farmers Mutual 333 through 339.

20 Now, I know there's a couple different
21 copies of this out there and I'm using the Farmers
22 Mutual one, but they're the same.

23 So if we could go to the officer's
24 description of the accident found at the bottom of
25 Bates 337, I want to go three lines from the bott- --

1 three lines from the bottom in the far right where it
2 says "Unit 1." Let me know when you're -- I can't
3 see because his face is --

4 A I'm there.

5 Q You're there. You see where it says
6 "Unit 1 driver states." Do you see that?

7 "Unit driver states that he did not recall
8 events prior to the collision and that he has no
9 medical condition that should have caused
10 unconsciousness."

11 Did I -- did I read that correctly?

12 A Sorry, a few -- a few places here.

13 Q Take your time.

14 A Yeah.

15 Q So here -- here's my question, then.

16 A Go ahead.

17 Q You just didn't recall any of the events
18 prior to the collision?

19 A No.

20 Q Do you know why you left the roadway?

21 A No.

22 Q Did you fall asleep?

23 A I -- no, I don't think so, as it was still
24 day. So what they told me is that I had lost
25 consciousness.

1 Q Well, you lost consciousness after the
2 impact with the homes, didn't you?

3 A How would I remember when that would have
4 happened?

5 Q You don't know when you lost consciousness,
6 do you?

7 A No.

8 Q You could have lost consciousness after you
9 made impact with the houses, couldn't you?

10 A Again, I -- I -- I have no idea when that
11 was. All I know is I have no recollection of any of
12 that.

13 Q You could have gone to sleep at the wheel.
14 True statement?

15 A Say that again, please.

16 Q It is possible you --

17 MR. FRANZ: Objection; calls for
18 speculation.

19 MR. PIGNATO: There's another objection.

20 MR. FRANZ: I'll let him answer.

21 MR. PIGNATO: No, no, no, no. That's not a
22 form objection.

23 MR. FRANZ: Calls for speculation. I'm
24 instructing the witness to answer.

25 MR. PIGNATO: You're instructing him to

1 answer after you've just told him how to answer?

2 MR. FRANZ: I have not told him how to
3 answer. Counsel, just proceed with your deposition.

4 MR. PIGNATO: You're running a tab,
5 Counsel.

6 Q (By Mr. Pignato) Mr. Milanovic --

7 A Yes.

8 Q -- is it possible you fell asleep?

9 A I do not think so as there's strips that if
10 you fall asleep they -- they wake you.

11 In my opinion, no, I do not think so.

12 Q If you fall asleep, who wakes you?

13 A The strips on the road. They make a very
14 loud sound.

15 Q How heavy was your vehicle at the time of
16 this accident?

17 A I couldn't tell you. I don't recall.

18 Q Do you recall what you were hauling?

19 A No.

20 Q You don't recall the weight of the cargo?

21 A No. Every day it's different, so I would
22 not know, sir.

23 Q You told the officer that you were not
24 aware of any medical condition that have -- could
25 have caused or should have caused your

1 unconsciousness.

2 Do you recall saying that?

3 A That's correct. I don't recall anything
4 at -- at the scene. All I remember is at the
5 hospital. When he came up to me, that's what I
6 remember towards me leaving, but other than that, I
7 don't remember any conversation I had with him.

8 Q You're not aware of any medical condition
9 that you had that would have caused you to become
10 unconscious while driving, are you?

11 A No.

12 Q Prior to this accident, you had not
13 previously ever suffered any unconsciousness, have
14 you?

15 A No.

16 Q You weren't previously involved in any
17 vehicular accidents, including trucks and autos,
18 where you lost consciousness, were you?

19 A No. No.

20 Q And you didn't have any medical conditions
21 prior to this accident that caused you to lose
22 consciousness, correct?

23 A No.

24 Q Now let's talk about since this accident.
25 Have you seen any doctors or healthcare

1 professionals to try to find out why you may have
2 lost consciousness on the day of this accident?

3 A Well, there at the hospital they told me
4 that it wasn't uncommon. They told me that they've
5 dealt with it before. And I guess the scans didn't
6 show anything serious, so, yeah, like that.

7 Q Well, when they say --

8 A They took --

9 Q When they said to you they've "dealt with
10 it before," how did you interpret that to mean?

11 A As they've dealt with it before. They told
12 me that a loss of consciousness wasn't entirely
13 uncommon.

14 Q You were injured in that accident, weren't
15 you?

16 A Yes.

17 Q You suffered an injury to your head, didn't
18 you?

19 A Yes.

20 Q And you lost consciousness as a result of
21 this accident, didn't you?

22 A I -- what they told me is that I was
23 unconscious before it happened, so --

24 Q Now, who told you that?

25 A The doctors and somebody -- maybe the

1 paramedics. They told me that they saw me
2 unconscious before it happened.

3 Q Now, how is it possible that the
4 paramedics --

5 A I --

6 Q -- saw you unconscious --

7 A I -- I'm not -- no, no, no. Sorry. There
8 was the paramedics. There was -- I don't remember,
9 but maybe the police. When we were talking -- maybe
10 it was with the police -- that they told me that
11 before the incident happened, that I was stooped over
12 the wheel. Somebody did. I don't recall whoever.
13 It's still hazy.

14 Q I just want to make sure that I'm clear and
15 that this record is clear. Is it your testimony,
16 sir, that you believe somebody told you that you were
17 stooped over the wheel before you left the roadway?

18 A Yes. Somebody at some point told me that.
19 I -- I don't remember who.

20 Q Do you know how anybody could have seen you
21 before you left the roadway?

22 A I think they said that somebody saw. I
23 don't know who. I don't remember exactly. Somebody
24 that was there. I don't know. I don't remember. It
25 was obviously a traumatic event, so I don't recall

1 everything.

2 Q But you would expect a trauma team at a
3 trauma center to have the opportunity to see and
4 treat patients who have been involved in auto
5 accidents and rendered unconscious as a result of the
6 accident, wouldn't you?

7 A I don't -- can you repeat the question
8 again?

9 Q Yeah. Don't trauma centers typically or
10 often treat patients who have been involved in auto
11 accidents?

12 A I suppose they do.

13 Q And would you -- do you think it's logical
14 that a large number of those auto accident victims
15 that go to trauma centers lose consciousness for a
16 period of time after the accident?

17 A I'm not a medical professional. I don't
18 know who loses consciousness for what reason.

19 Q Have you read any of your medical records
20 from this accident?

21 A No.

22 Q Aside from your attorney, has anyone told
23 you what those records say?

24 A No.

25 Q Do you know if any of those records

1 indicate that you lost consciousness before you left
2 the roadway?

3 A I have no idea.

4 Q Do you agree with me, sir, that the CAT
5 scans taken of your head and the rest of your body
6 were normal?

7 A I have no idea what they showed. You'd
8 have to talk to the people that took those scans.

9 Q Well, they're in the records, but you
10 haven't seen those records, have you?

11 A I -- I am not qualified to read CAT scan.

12 Q Do you recall --

13 A But the test was -- I recall vaguely
14 talking to the doctor and -- yeah, vaguely, that it
15 wasn't, I don't know, a brain tumor or something.
16 So, yeah, vaguely.

17 Q And four hours after you were taken to the
18 hospital, you left the hospital, didn't you?

19 A I don't remember how many hours it took.

20 Q You felt well enough to leave, though, when
21 they said you could leave, didn't you?

22 A I vaguely remember that day whatsoever. I
23 don't think that I was -- in my opinion, I don't
24 think I was ready to leave, but they told me and --
25 what to do. I left.

1 Q So you believe it was the hospital doctors
2 and staff who told you you had to leave?

3 A It was -- they did everything that they did
4 and they gave me some new clothes and that was it.

5 Q Have you had -- experienced --

6 A I --

7 Q Go ahead. I'm sorry.

8 A No, that's it.

9 Q Have you experienced a similar medical
10 event or episode since the day of this accident?

11 A No.

12 Q Is it accurate, then, to say the one and
13 only time in your life that you may have lost
14 consciousness was on August 8, 2020, when you left
15 the roadway?

16 A Yeah.

17 Q And you recognize, don't you, that it's
18 possible that you drifted off to sleep prior to
19 leaving the roadway, don't you?

20 A I don't think that was the case, no.

21 Q Have you seen any medical physician or
22 professional since August 8, 2020, who has indicated
23 to you that you suffered a medical event or episode
24 causing you to leave the roadway?

25 A Say that again, please.

1 Q Has any doctor told you, after August 8,
2 2020, that you suffered some medical episode that
3 caused you to lose consciousness?

4 A I think -- I think that I -- the last one
5 told me that it -- it could have been due to fatigue
6 and to dehydration or something; that it -- that
7 there was too many variables for them to pinpoint why
8 it happened.

9 Q Who told you that?

10 A But they told -- some doctor. I can't
11 recall.

12 Q Is it a doctor that you saw after August 8,
13 2020?

14 A I don't recall. I think the one at the
15 hospital told me it was sudden loss of consciousness.

16 Q Have you seen any doctors since August 2020
17 for the purpose of trying to find out why you lost
18 consciousness on August 8, 2020?

19 A I don't think so.

20 Q In other words, in my effort to get all
21 your medical records I have obtained medical records
22 for August 8, 2020, the date of this accident.
23 You're not aware of any other medical records?

24 A No, I don't think so.

25 Q And that's because you haven't seen any

1 other doctors or healthcare providers about the
2 possibility that you may have suffered or gone
3 unconscious for a period of time on August 8, 2020.
4 Is that a true statement?

5 A Say that again, please.

6 Q The reason you haven't -- hold on.

7 MR. PIGNATO: Tell you what, I'm ready to
8 pass the witness.

9 Rodney, go ahead.

10 MR. FRANZ: Hold on. Mr. Milanovic, do you
11 need a break at all?

12 THE WITNESS: Can I have a five-minute one?

13 MR. PIGNATO: Sure.

14 MR. FRANZ: Yeah, sure. Of course.

15 MR. STEWART: Certainly.

16 THE WITNESS: Okay. Thank you.

17 (Recess taken from 3:14 p.m. to 3:19 p.m.)

18 DIRECT EXAMINATION

19 BY MR. STEWART:

20 Q Mr. Milanovic, my name is Rodney Stewart.

21 I represent a fellow by the name of Randy Lundy.

22 Mr. Pignato showed you some pictures earlier of some
23 damaged homes, and I'll tell you that Mr. Lundy owned
24 one of those homes there.

25 A Okay.

1 Q So I'm going second here, so that's good
2 and bad. There's a lot of questions that I might
3 have that Mr. Pignato has already asked. At the same
4 time, I might repeat some of his questions and I
5 apologize for that. Okay?

6 A That's fine. Just go ahead.

7 Q All right. Let me start with your height
8 and weight.

9 A 5'10", 5'9". Let's say 160, 170 pounds.

10 Q Earlier you were talking about the things
11 you do to kind of stay in shape and stay active. You
12 mentioned swimming and -- and tennis when -- when
13 weather permits on the tennis and soccer.

14 What else do you do? Do you -- do you go
15 to a gym? Do you work out?

16 A No. I don't go to a gym, but I try to stay
17 active. A bit of hiking, you know. I would say I'm
18 fit.

19 Q And you look fit. In staying fit and any
20 exercise that you've done over the years, have you
21 ever experienced any difficulty with exercise, such
22 as being lightheaded or dizzy?

23 A No. No.

24 Q Have -- have you ever, while exercising,
25 seen spots or stars while you were exercising?

1 A No.

2 Q When you get up from a seated position or
3 get out of bed from a -- from a prone position, do
4 you ever get lightheaded upon standing?

5 A No.

6 Q Do you ever see spots or stars?

7 A No.

8 Q Okay. Before the accident, the August 8,
9 2020, accident, that brings us here today, had you
10 ever had any history of losing consciousness for any
11 reason?

12 A No.

13 Q Have you ever sustained any head injuries
14 or concussions that you recall?

15 A No.

16 Q Have you ever had any episodes of blacking
17 out or passing out before August 8, 2020?

18 A No.

19 Q So in -- I think you said you're 38 now, so
20 you would have been roughly 36 at the time of the
21 accident. You had never blacked out or passed out or
22 lost consciousness before in your lifetime. Is that
23 true?

24 A Yes.

25 Q How about fainting? Some people use

1 different terminologies. Some might say blacking
2 out, passing out, fainting are all the same thing.
3 Some might say there's a difference. A doctor might
4 say there's a difference.

5 But just so that I'm thorough here, have
6 you ever had any difficulty with fainting before --

7 A No.

8 Q -- this accident?

9 A No.

10 Q Collapsing of any kind?

11 A No.

12 Q All right.

13 A No, nothing.

14 Q Before this accident, had you ever seen a
15 doctor for any of those things? Dizziness, for
16 example.

17 A No.

18 Q Losing consciousness?

19 A No.

20 Q Blacking out?

21 A No.

22 Q Passing out?

23 A No.

24 Q Fainting or collapsing?

25 A Huh-uh. No.

1 Q And earlier I think you answered this.

2 Sir, you don't have any chronic conditions such as
3 high blood pressure, do you?

4 A No, not that I know of.

5 Q Diabetes?

6 A No.

7 Q Let's go back. You said you had a
8 girlfriend that was a doctor. I suppose that could
9 have its advantages and disadvantages. You said --

10 A Somewhat.

11 Q You said from time to time she might, like,
12 take your blood pressure in the living room or
13 something, right?

14 A Yeah. Yeah.

15 Q Was that for any particular medical reason
16 or was she just -- you know, just something she did
17 because she had the equipment?

18 A No, just to see. You know, just like a
19 general thing. So, yeah, she would. Like a pulse
20 and pressure. So, yeah, everything was normal.

21 Q Okay. How long -- what time period was
22 that? I don't want to get into your personal life
23 too much, but what time period?

24 A No, no, that's fine. Say, like, three,
25 four years ago.

1 Q Okay.

2 A Yeah.

3 Q And how long was she your girlfriend?

4 A Maybe three years.

5 Q Okay. So you and she -- if I've got the
6 time line straight, the accident was about two and a
7 half years ago. And then about a year or so before
8 that you had a three-year stretch where you had a
9 doctor as a girlfriend?

10 A Yes.

11 Q Okay. And you never had any health
12 problems, she never had any concerns, and she would
13 kind of give you kind of a perfunctory health exams
14 at home?

15 A Yeah, you could say that.

16 Q Okay. You've never -- you've never had any
17 chronic conditions such as -- I think I covered high
18 blood pressure -- diabetes?

19 A No, not that I know of, no.

20 Q You've never seen a doctor, had any chronic
21 conditions associated with hyperglycemia or any other
22 problems with your blood sugars or insulin?

23 A No.

24 Q As far as you know, you've never had any
25 liver problems?

1 A No.

2 Q Problems with your heart?

3 A No.

4 Q Lung problems?

5 A No.

6 Q Cancer?

7 A No.

8 Q So I think I understand. You guys are on
9 socialized medicine in Canada, as well as Serbia?

10 A Yes.

11 Q So you don't really have a -- here in the
12 states we would call it a "primary care physician."
13 Or Mr. Pignato, I think, called it a "general
14 practitioner" or a "family doctor."

15 A We don't -- I don't have one here, no.

16 Q Okay. And, likewise, what about
17 pharmacies? When you go to -- when you go to a
18 pharmacy there in Serbia or Canada, is it like a --
19 like we think of a pharmacy here like a CVS or a
20 Walgreen's or something?

21 A Similar, yes.

22 Q Do you -- do you have a regular pharmacy
23 that you go to in Serbia?

24 A Not really, since I don't take any
25 medication.

1 Q And same for Canada?

2 A No.

3 Q So -- so same deal with Canada, because you
4 don't take any medications you didn't have a regular
5 pharmacy?

6 A No, I don't, other than -- I don't remember
7 the last time I took anything that required a -- a
8 prescription.

9 Q Well, let me ask you about the differences
10 between the countries. Here in -- in the U.S. for
11 most medications, except for what we call
12 "over-the-counter medications," you have to have a
13 doctor's prescription.

14 Is that true in Serbia and Canada that for
15 a certain strength or type of medication --

16 A Other than Advil or Tylenol, regular stuff,
17 yeah, you obviously do need the prescription, yes.

18 Q Okay. And you don't recall the last time
19 you had a prescription for anything?

20 A No, I don't.

21 Q Has it been longer than -- longer than five
22 years?

23 A I would say yes. Probably yes. I had an
24 ear infection years ago that I needed a prescription
25 for. That's the only thing I can remember.

1 Q Okay. And since the accident happened,
2 since August 8th of 2020, I understand from your
3 earlier testimony that you've had no episodes of
4 dizziness; is that true?

5 A No.

6 Q So it is true?

7 A Yes.

8 Q Since the accident, have you lost
9 consciousness?

10 A No.

11 Q Have you blacked out or passed out for any
12 reason?

13 A No.

14 Q Fainted or collapsed for any reason?

15 A No.

16 Q Since the accident, have you had any
17 unusual headaches?

18 A No.

19 Q Have you felt tired?

20 A No. Well, at times, I guess.

21 Q Sure, we all get -- we all get tired, but
22 anything unusual, like prolonged periods of tiredness
23 or fatigue?

24 A No.

25 Q Have you -- since the accident, have you

1 had any memory problems?

2 A No.

3 Q Since the accident, have you had any
4 periods where you've -- where you've felt weak,
5 weaker than normal?

6 A No.

7 Q So would it be accurate to say that in the
8 ten days prior to the motor vehicle accident in
9 August of 2020, you did not take any medications; is
10 that true?

11 A No. No, none.

12 Q So no medications?

13 A No.

14 Q I think we're getting several double
15 negatives in here and that's my fault.

16 A No, no, no. I -- I had nothing. I hadn't
17 taken anything.

18 Q All right.

19 A Like nothing -- not even Advil or nothing
20 like that.

21 Q And before the accident, do you remember
22 how long it had been since you had taken anything, an
23 Advil, over the counter, prescription, anything at
24 all?

25 A No. It has been a long time.

1 Q Years maybe?

2 A Probably. I'm not one to take anything,
3 even for headaches. So it's been a while.

4 Q And then since the accident occurred, they
5 may have given you some medication there at the
6 hospital because my memory is that you were banged up
7 pretty good. You had a neck injury and an ankle
8 injury, correct?

9 A Yep.

10 Q So they may have given you some
11 medications, like pain medications, at the hospital.

12 A I -- I -- again, I have no recollection of
13 that, so whatever they gave me, they gave me while I
14 was semi-conscious, but after that I -- I took
15 nothing. As soon as I left, nothing.

16 Q All right. So as far as you know, even
17 if -- even if they gave you a sample or a few days
18 supply at the hospital, you didn't --

19 A They didn't.

20 Q Okay. You didn't take anything after you
21 left the hospital?

22 A No.

23 Q No medications at all?

24 A Zero.

25 Q All right. This is a broad question.

1 Since the accident, since August 8, 2020,
2 have you taken any medications for any reason that
3 you can think of?

4 A No.

5 Q Where you live -- and others may live there
6 with you, so it may not be yours, but where you live,
7 do you keep any medications on hand,
8 over-the-counter-type medications like an Advil or a
9 Tylenol or anything like that?

10 A In the apartment, I suppose there's
11 over-the-counter stuff, yeah.

12 Q But it's not anything that you can think of
13 that you've taken even a single dosage of since
14 August of 2020?

15 A No.

16 Q On August the 8th, if you remember -- and
17 I'm trying to understand a little bit about what you
18 remember and what you don't. So you have said
19 several times in the deposition that you don't
20 remember anything about that day.

21 I want to -- I want to explore that a
22 little bit. Okay?

23 A Okay. Go ahead.

24 Q So the records indicate -- that Mr. Pignato
25 was showing you earlier, your logbooks --

1 A Uh-huh.

2 Q -- show that on that day, August the 8th,
3 it appears that you started your day -- let me get
4 there.

5 And, Ms. Butterworth, can you -- can you
6 put that back up again, the logbooks for the date of
7 the accident, August the 8th.

8 MR. PIGNATO: Yeah, she's doing it.

9 MR. STEWART: Thank you, Jerry.

10 MR. PIGNATO: What day do you want?

11 MR. STEWART: August 8, which I believe is
12 Highlight 348.

13 (Document is displayed).

14 Q (By Mr. Stewart) So it appears,
15 Mr. Milanovic, that you started your day in -- near
16 Fancy Creek, Illinois.

17 A Okay.

18 Q Do you remember where you -- where you
19 parked and slept that night?

20 A I do not.

21 Q Okay. Is that because of, like, your
22 injuries from the accident, or is that just because
23 when you're a truck driver these things tend to run
24 together?

25 A Option B. I would say because they run

1 together.

2 Q Okay. I --

3 A It was some stop, but where -- yeah, I --
4 just because it's so repetitive.

5 Q Do you have a general memory of -- of -- I
6 think you started this direction -- Oklahoma
7 direction, that is --

8 A Uh-huh.

9 Q -- in -- from Ontario, Canada, maybe a day
10 or so before -- before this accident.

11 Do you remember your -- like, the details
12 of your trip? Like, you went from Ontario to -- I
13 don't know, I'm making this up -- Chicago, et cetera?
14 Do you remember that?

15 A All -- I do -- what I vaguely remember is
16 going down south -- southwest, obviously, towards
17 southwest. And other than that, I couldn't tell you
18 at all where. So --

19 Q Do you remember your -- do you remember
20 your destination?

21 A I do not.

22 Q Okay. And so Fancy Creek, Illinois,
23 Joplin, Missouri, Choctaw, Oklahoma, these -- these
24 places along your route that day, I take it you don't
25 remember anything about any of those places; is that

1 true?

2 A No. It's just highway for me. I know I've
3 been through Joplin before, but other than that it's
4 just highway. So --

5 Q Okay.

6 A -- that's my recollection.

7 Q Do you have any way of recollecting what
8 you ate and drank that day?

9 A No.

10 MR. STEWART: Ms. Butterworth, if you
11 could, leave -- keep that driver log handy, but --
12 but stop sharing the screen in case we need to come
13 back to it.

14 Thank you.

15 Q (By Mr. Stewart) So you don't remember --
16 you won't be able to tell the Court and jury anything
17 you ate or drank that day?

18 A No.

19 Q Generally, what was your -- what was your
20 protocol? Did you pack food with you when you would
21 leave Ontario or -- or just stop along the way when
22 you fueled, grab stuff from the truck stop?

23 A Mostly, yes, because at the border they
24 would check for foods and, yeah, it's a problem if
25 you have meat or whatever. So on the way would be --

1 there's restaurants and stuff at the stops, so
2 regular breakfast, regular lunch at a diner, but
3 exactly what it was, I could not tell you.

4 Q What did you tend to drink in the -- in the
5 cab as you drove? What was your drink of choice?
6 What did you carry with you to drink?

7 A Water. Lots of water. Gatorade, things
8 like that.

9 Q What about caffeinated beverages? Are you
10 a coffee drinker?

11 A I'm not.

12 Q Sodas? Caffeinated sodas at all?

13 A No.

14 Q All right. So your -- your drinks of
15 choice were, like, water and Gatorade?

16 A Yeah, yeah. Juice, orange juice, apple
17 juice, things like that.

18 Q To the -- to the extent that you -- to the
19 extent that you made purchases, expenses, along the
20 way from Ontario to the location where the accident
21 happened, what would have been your payment method?

22 How would you have paid for food and -- and
23 meals and that sort of thing?

24 A Cash.

25 Q Did you keep or maintain your receipts for

1 any reason, or for bookkeeping purposes, or tax
2 purposes?

3 A No. No. It's -- it's small dollar amounts
4 and I wouldn't have been able to claim that anyways.
5 That's -- I would get cash in Canada and then spend
6 it along the way. It was never a significant amount,
7 five, ten dollars here and there and that's it.

8 Q I may have asked you this already. If I
9 have, I apologize.

10 Since the accident -- since you left the
11 hospital, let me put it that way. Since you left the
12 hospital shortly after the August 8, 2020, accident,
13 have you seen a doctor for any reason?

14 A I don't think so. I may have. I don't
15 recall.

16 Q If you may -- if you have in the last two
17 and a half years -- and it wouldn't surprise me if
18 you did -- did -- did any doctor's visit you've had
19 in the last two and a half years pertain to the
20 accident at all?

21 A I don't think so.

22 Q Did any doctor that you may have seen in
23 the last two and a half years have anything to do
24 with any medical condition that you were concerned
25 about because of the accident?

1 A I don't think so. I may have asked -- I
2 don't remember. I may have asked in Canada during a
3 checkup, but vaguely. I -- I don't remember really.

4 Q I want to -- I want to drill down a little
5 bit on what you just said.

6 A Go on.

7 Q So you're saying it's possible that
8 sometime after the accident, upon your return to
9 Canada, whenever you next had a regular checkup you
10 may have mentioned the accident to the doctor?

11 A Yeah, I -- maybe here or in Canada. I -- I
12 really don't recall.

13 Q Let me ask it this way.

14 A I remember --

15 Q Go ahead. Go ahead.

16 A No, I -- I did talk to my ex-girlfriend
17 about it, though. I remember that.

18 Q When you say you talked to her about it --

19 A Yes.

20 Q -- did you -- did you reach -- you all were
21 not -- you had broken up. You were no longer an item
22 at the time of the accident, right?

23 A Yes.

24 Q All right. But you were still on good
25 enough terms that --

1 A Yes.

2 Q -- sometime between then and now you may
3 have spoken with her?

4 A Yeah.

5 Q All right. And you're saying that in one
6 of your conversations with her you may have mentioned
7 the accident?

8 A Yeah.

9 Q From a medical standpoint, did you have any
10 questions for her or concerns, or were you just
11 telling her generally that you had an accident?

12 A No, I just generally told her and just --
13 because, obviously, I was worried. And, yeah, it was
14 something along the lines of, if the CAT scan or
15 whatever, MRI are good, it's -- it's nothing too
16 serious. So something along those lines.

17 Q All right. And the reason I think you're
18 telling us that you were worried or concerned is that
19 you don't know why you left the roadway and --

20 A No.

21 Q -- to the extent you may have a medical
22 problem, it might be worth asking a doctor about?

23 A Yeah. You know, all sorts of things go
24 through your head.

25 Q All right. So you don't -- if I were --

1 I've got here on my list of questions to ask you the
2 last thing you remember before leaving the roadway.

3 A It would be I was calculating where to take
4 a break.

5 Q How do you go about that calculation?

6 A By following the signs.

7 Q What do you mean by "calculating"? Are
8 you -- are you saying you're just looking for a good
9 place to pull over?

10 A Yeah.

11 Q Did you feel like you needed a break?

12 A I believe I had to take one. It was -- I
13 was running out of time legally.

14 Q Can you -- can you tell -- Ms. Butterworth
15 can put the log back up.

16 Can -- can you tell us what you mean by you
17 were "running out of time legally"?

18 A That's the best I can tell you. What I
19 believe was that at some point I had to stop.

20 Q So you -- you just remember there being --
21 you having some sense of urgency that your -- that
22 you needed to -- that you needed to take your break
23 soon?

24 A Well, I wouldn't say a sense of urgency,
25 like you always do that every day. Where am I going

1 to stop next?

2 MR. STEWART: Yeah. Ms. Butterworth, if
3 you could, could you zoom in on this document and
4 move it down slightly so we see the first entries of
5 Yukon, Oklahoma?

6 (Document is displayed).

7 Q (By Mr. Stewart) Okay. So if I'm
8 interpreting this document correctly, you -- well,
9 how do you interpret this?

10 So I see driving for three hours and 16
11 minutes and 15 seconds.

12 A Uh-huh.

13 Q Kind of in the middle here where it says
14 "Five miles east/southeast of Joplin, Missouri."

15 A Uh-huh.

16 Q And then the next entry says you were on
17 duty. And I think we've established that means the
18 truck is not in motion, right?

19 A Uh-huh.

20 Q And so it -- so it appears that you were on
21 duty, meaning not driving for three minutes and 11
22 seconds near Choctaw.

23 A Uh-huh.

24 Q Yes?

25 A Yes. That's what it says.

1 Q Yes. And then you drove another 27 minutes
2 and 14 seconds?

3 A Uh-huh.

4 Q Same general location, nine miles north,
5 northwest of Choctaw?

6 A Uh-huh.

7 Q And then you were on duty -- so -- so do
8 you remember what was happening in Choctaw, Oklahoma?

9 A No, I -- I would not remember.

10 Q Okay. So -- so being a truck driver, what
11 do you -- three minutes and 11 seconds you stop
12 driving. So you were -- you had been driving for
13 three hours and 16 minutes, according to this.

14 A Yes. It could be a variety of things, such
15 as a stop or -- I mean, it could be many different
16 things. But that goes automatic. If it's -- if it
17 stops, it automatically switches if it's not moving
18 after a few minutes.

19 Q So -- so --

20 A So it could be --

21 Q So if you pulled over on the side of the
22 road for some reason, stretch your legs, go to the
23 restroom on the -- I'm not suggesting you use the
24 shoulder of the road. Okay?

25 A Yep. Yeah.

1 Q But if you pulled over for any reason, your
2 vehicle was not moving for a few minutes --

3 A Uh-huh.

4 Q -- that would register as on duty?

5 A Or off, depends on the system, how it is.
6 I'll put it on off, but it can be on. I -- I don't
7 know. It does that on its own.

8 Q But what you think it's tied to is the
9 vehicle not being in motion?

10 A Yeah, absolutely it is. If it's -- if it's
11 in motion, it would put me as driving, yes.

12 Q All right. So I'm generally familiar with
13 that route from Joplin to Choctaw and particularly
14 the Choctaw part of it.

15 A Uh-huh.

16 Q And -- and I'm -- I'm telling you I don't
17 believe you could have exited, gotten off the road
18 somewhere at a business such as a truck stop or
19 something like that, and then got back on the road
20 and all of that in three minutes and 11 seconds.
21 Okay?

22 A Okay.

23 Q So with that in mind, do you have any
24 recollection, number one, or even any guesswork, as
25 to what you were doing stopped in Choctaw, Oklahoma,

1 for three minutes and 11 seconds?

2 A No, I have no idea. Say if there's a
3 traffic jam or something and I'm stopped, it would
4 switch my status without me doing it.

5 Q But you don't remember that, either. You
6 don't remember a traffic jam or a traffic problem or
7 anything like that?

8 A No, I don't recall, but that -- that
9 happens daily. Daily. Every -- almost every single
10 day.

11 Q All right. So -- so the last -- so you
12 have no recollection. You will not be able to
13 provide the Court or jury any evidence of why you
14 went off duty near Choctaw, Oklahoma, for three
15 minutes and 11 seconds?

16 A I don't recall.

17 Q Okay. But the last thing you remember is
18 sensing that it was -- it was time for a break and
19 you were calculating, when is the next kind of
20 opportunity by looking at the street signs?

21 A Yes.

22 Q Okay. And do you remember what your
23 thought process was in that regard, like what -- what
24 you were looking for? What is it about the road
25 signs that would tell you, "Oh, this would be a good

1 place for a break"?

2 A No. In general it's the same every day of
3 what I -- I will see. If it's a service area or a
4 stop 30 miles away or something like that.

5 Q All right. So you might be looking for
6 signage that indicated maybe lots of restaurants
7 or -- or something like that?

8 A Anything. There's always signs. And
9 generally you kind of have an idea. If it's next to
10 a city, there's always some, so, yeah, like that.

11 GPS also tells you on the screen, next area
12 40 miles or -- you know, you generally
13 cross-reference.

14 Q So you indicated that in the -- in the U.S.
15 you have a cutoff -- absolute cutoff at 11 hours of
16 driving per day, correct?

17 A Yes.

18 Q If you look up at the top of this log in
19 bold print on the right corner it says, "Ten hours,
20 18 minutes, 45 seconds." Agreed?

21 A Uh-huh.

22 Q Yes?

23 A Yes.

24 Q So is that what you're referring to? You
25 weren't looking just for your next break, you were

1 looking for your overnight break, right?

2 A I suppose so. I don't recall.

3 Q Well, you wanted to comply with the law,
4 right?

5 A Yeah.

6 Q So you weren't going to drive beyond 11
7 hours, were you?

8 A No.

9 Q Would you get some kind of alert or
10 anything in your vehicle? Would the computer take
11 over or would you get some kind of message if you
12 attempted to drive for more than 11 hours?

13 A Yes.

14 Q What does that sound like or look like?

15 A It just gives you a warning on the sign --
16 on the -- it gives you like a pop-up that you --

17 Q When do you -- when do you start getting
18 those pop-ups? Say if you've got an 11-hour limit in
19 the U.S. or a 13-hour limit in Canada, how long
20 before that cutoff do you start getting the alerts?

21 A I think one hour. I could be wrong, but it
22 gives you -- it gives you enough that you would know.

23 Q Okay. So you think -- now, looking at
24 this, if it's true what the log shows is that --
25 which is you drove for ten hours, 18 minutes and 45

1 seconds before the collision. You would have already
2 been given -- you would have already received some
3 alerts that it was time for you to break?

4 A Yeah, likely.

5 Q Okay.

6 A But you don't really need a -- you know,
7 obviously, before -- if you start, you know, at a
8 certain time you know when to finish at a certain
9 time. So --

10 Q When you start getting tired, right?

11 A Not really. Actually, it's more when the
12 time is coming up.

13 Q Well, what we do know from looking at this
14 log is that you started the day at 5:00 a.m. in Fancy
15 Creek, Illinois --

16 A Uh-huh.

17 Q -- and you crashed into these homes in
18 Yukon, Oklahoma, at 5:40 in the afternoon, correct?

19 A Yeah. Looks like it, yes.

20 Q Yeah. So you had 12 hours of hard driving
21 before this collision occurred. Agreed? Agreed?

22 A Yes. Yes.

23 Q And do you recall, before the truck left
24 the roadway, whether you were having any type of
25 unusual symptoms?

Ognjen Milanovic

March 15, 2023

Page 102

1 A No.

2 Q Were you feeling weak?

3 A No.

4 Q Dizzy?

5 A No.

6 Q Blurry vision?

7 A No.

8 Q Headaches?

9 A No.

10 Q Before the truck left the roadway, were you

11 having any unusual sensations in your head?

12 A Not that I recall, no.

13 Q Your neck?

14 A No.

15 Q Your back?

16 A No.

17 Q Your abdomen?

18 A No.

19 Q Chest?

20 A No.

21 Q Shoulders?

22 A No.

23 Q Arms?

24 A No.

25 Q Hands?

1 A No.

2 Q Legs?

3 A No.

4 Q Or feet?

5 A No, nothing out of the ordinary that I
6 recall.

7 Q Let me ask you this. What was your history
8 of driving for the Defendant Highlight Motor Group
9 before this collision?

10 A None.

11 Q Zero?

12 A Yes.

13 Q This was your first trip for HL Motor
14 Group?

15 A Yes.

16 Q When did you last drive for another company
17 before this collision?

18 A Maybe couple months before.

19 Q What was the name of that company?

20 A It was an owner/op- -- I'm not sure --
21 owner/operator, so --

22 Q So you were in a truck for -- for an
23 owner/operator?

24 A Yes. They did many different companies.

25 Q That company was also based out of Canada?

1 A Yes.

2 Q How long did you work for that company?

3 A I'm not sure. Maybe a year or so,
4 something like that.

5 Q What is it that you -- Mr. Pignato got into
6 this just a little bit very early in your deposition
7 when we first started.

8 So you -- you come to Canada, it sounds
9 like, in part, to work, right?

10 A Yeah.

11 Q To -- to -- to drive trucks. You've done
12 that for the last five to seven years?

13 A Yes.

14 Q So what causes you to leave truck driving
15 in Canada and -- and return to Serbia?

16 A I live here.

17 Q I -- I understand that, but you're in
18 Canada and you're driving, presumably you're making
19 good money, what causes you to -- to go back to
20 Serbia and -- and not be employed?

21 A The good weather and the lifestyle, let's
22 say.

23 Q All right. So -- so I'm trying to get this
24 out of you here. I think we're getting somewhere.

25 So -- so you drive here -- here, Canada,

1 North America. You drive here, make some money, save
2 up some money, you really don't have many expenses
3 because you're sleeping in the truck, and when home
4 starts calling, weather starts getting good, you
5 return to Serbia for a while and -- and live off
6 your -- the truck driving earnings you made?

7 A Yeah.

8 Q Is that the gist of it?

9 A Yes.

10 Q Doesn't sound like you do much work and
11 haven't done much work in Serbia since you started
12 truck driving?

13 A No.

14 Q Okay. I'm not judging, I'm just trying to
15 figure out your -- you know, kind of your patterns.
16 Sounds like a pretty good deal to me, make some money
17 and then go home and enjoy the nice weather and all
18 that.

19 A Yes.

20 MR. STEWART: All right. Ms. Butterworth,
21 you can take this exhibit down.

22 And let's mark that. Have we done that,
23 Jerry? Have we -- have we made any exhibits thus
24 far?

25 MR. PIGNATO: Yeah. In fact, I think the

1 logs was Exhibit 1 and I think I did mark it as
2 Exhibit 1. I probably failed to mark the ensuing
3 photographs. And we can either do those separately
4 after the depo or I can mark them collectively as
5 Exhibit 2.

6 MR. STEWART: If -- Michael, if you don't
7 have any objection, we'll wait and do all the exhibit
8 marking at the end. Is that all right?

9 MR. FRANZ: That's fine.

10 MR. STEWART: All right. Thank you.

11 Q (By Mr. Stewart) Okay. So I -- I just told
12 her to take them down, and now here I am returning
13 back to the -- back to the logs. I'm going to go
14 through these just -- I don't -- I don't necessarily
15 think we need them on the screen, but I just want to
16 ask you if this is kind of consistent with your
17 recollection.

18 Mr. Milanovic, this was your -- the trip in
19 which the accident occurred was your first trip for
20 HL Motor Group, right?

21 A Uh-huh.

22 Q Yes?

23 A Yes.

24 Q Now, is there a time zone difference
25 between Ontario, Canada, and Central Standard Time

1 Oklahoma?

2 A I believe it's one hour.

3 Q All right. Now --

4 A I think. I could be wrong.

5 Q So just going back, I'm just picking one of
6 these days at random --

7 A Or two hours. I'm not sure.

8 Q Okay. So -- so you've got a time zone
9 difference and this is your first trip for this
10 company, right?

11 So I'm just looking back through these logs
12 and -- and on August the 4th there's virtually no
13 drive time, two minutes 18 seconds. Do you -- do you
14 know what that's about?

15 A No.

16 Q And then the next day, three minutes and 48
17 seconds. Any clue what that is?

18 A No. Could have been the yard stuff, but --

19 Q Right. Right. Did you do any type of a
20 driving test for them? Could these -- could these
21 logs reflect a driving test?

22 A Maybe.

23 Q It would be a pretty short driving test, I
24 would think, two minutes and --

25 A I --

1 Q -- seconds, three minutes and 48 seconds.

2 A I would probably say that would be
3 something in the yard because it always measures you
4 moving. So it would be something in the yard like
5 re-parking or something, I would guess.

6 Q Well, they've got your name assigned to it.
7 Did you go to the yard on August 4th and
8 August 5th and just move the truck around the yard?

9 A Maybe. I suppose, if it's my name, then,
10 yes, but I don't recall.

11 Q All right. So then on August the 6th we
12 get the first significant driving day, and that was
13 four hours 33 minutes and 28 seconds. And I know
14 you're probably not looking at this, but that's --
15 the towns mentioned in the location are Brights
16 Grove, Ontario, Edgeley, Ontario, and Woodbridge,
17 Ontario.

18 Does any of that sound familiar, what you
19 would have been doing for four hour -- four and a
20 half hours on --

21 A Yes.

22 Q -- August 6th, two days before the
23 accident?

24 A Yes.

25 Q Tell us about that.

1 A It's -- Woodbridge would be by the border,
2 so I guess heading down south.

3 Q So you think this was part of that same
4 journey from Ontario to your des- -- ultimate
5 destination?

6 A Yeah, could have been. Sounds like it.

7 Q And then the day before the accident,
8 August 7th, it shows you beginning your journey that
9 day at Brights Grove, Ontario, and traveling all the
10 way to Fancy Creek, Illinois, a total of nine hours
11 and 55 minutes of drive time and 509 miles.

12 Does that sound right?

13 A Sounds like a typical day, yes.

14 Q Okay. All right.

15 A Yep. Yeah, it sounds like a typical day.

16 Q So I'm not sure what's going on with the
17 screen. It looks like maybe the shared screen is
18 off, but there's a big black spot in the middle. Or
19 is that Mr. Milanovic's phone? Is it -- has it gone
20 dark?

21 There we go. All right. Thank you.

22 Okay. If I were to ask you, sir, what you
23 had to drink in the 48 hours before the collision, do
24 you have any recollection of that?

25 A Water or juice, something like that.

1 Q And I -- I detect in your answer that
2 you're -- you're guessing at that kind of based on
3 your norms?

4 A Yeah.

5 Q Yeah. So would you be able, for example,
6 to tell us how much water, how much juice, how much
7 Gatorade?

8 A No.

9 Q Regarding your practices, would -- would it
10 be your practice -- if you -- if you pulled over to
11 get something to drink, would -- would it be your
12 practice to buy, like, I don't know, a case of water,
13 a case of Gatorade, a --

14 A Yeah. Yeah. Always. Always. There's
15 some on the side, so, yeah, always. How many depends
16 on the day, you know. I remember that day was pretty
17 hot, so --

18 Q Okay. What -- and I predict you are not
19 wrong. August in Oklahoma, August in Joplin,
20 Missouri, I -- I predict it was really hot. But
21 what -- what causes you to remember that it was a
22 really hot day?

23 A It's down south and coming back from up
24 north, I would say that -- that it was pretty hot.

25 Q Is this the first time -- is this the first

1 time in a long while that you had --

2 A No.

3 Q -- ventured so far south?

4 A No. No.

5 Q Well, you previously drove for this other
6 company a year or so before you started for the --
7 the HL Motor Group.

8 A Uh-huh.

9 Q So had you driven down in this part of
10 the -- part of the world in the summer heat?

11 A Yeah, I have, but -- I have, but, you know,
12 you -- being from -- driving, I would say, from
13 Canada, you -- you always notice a difference,
14 obviously. And, you know, older equipment, it -- the
15 air conditioning is never as good as it should be,
16 so, you know, you notice the heat obviously.

17 Q Yeah. Do you remember thinking -- and this
18 was your first trip for HL Motor Group. Do you
19 remember thinking that the -- that the air
20 conditioning is not as good as it should be or you
21 would like it to be?

22 A Yes, but it's -- with any older equipment,
23 never is that -- what you want it to be.

24 Q Right. So -- so you -- would you consider
25 yourself a professional truck driver?

1 A Yeah.

2 Q And you understand that you're operating a
3 multi-ton piece of equipment that can cause serious
4 injury, damages and --

5 A Yes.

6 Q -- you know, death and mayhem, right?

7 A Obviously.

8 Q And so to the extent that it's hot, you're
9 in older equipment, maybe there's some air
10 conditioning issues, maybe you're not drinking as
11 much as you're supposed to, you understand that it's
12 your job to stay hydrated while you drive?

13 A Yes.

14 Q And that if it's not safe to drive because
15 you're dehydrated or because your equipment lacks
16 sufficient air conditioning, it's your job to pull
17 over until those situations can be remedied, right?

18 A I would agree with you there.

19 Q All right. You can't just keep driving if
20 you're dehydrated or hot and tired. You understand
21 that?

22 A Yes.

23 Q Because if you do, accidents like this can
24 happen. Agree?

25 A Agree.

1 Q All right. So since this accident occurred
2 in August of 2020, other than whatever medical
3 providers you saw at the hospital immediately
4 afterwards, has any physician identified to you what
5 caused you to run off the roadway?

6 A No.

7 Q And I want to stop and talk about that now.
8 So -- so in responding to some of Mr. Pignato's
9 questions I heard you say different things, and we
10 need to pin you down because this is an important
11 issue in the case. Okay?

12 A Nothing to tell me 100 percent, so --

13 Q I -- I understand, but let's do what we can
14 here. Okay?

15 A Okay.

16 Q So you mentioned in -- in one of your
17 answers to Mr. Pignato earlier that -- that someone
18 at -- I think you said "at the hospital," but I want
19 to clarify. I want to be fair to you.

20 A Yeah, to the best of my recollection.

21 Q Yeah, somebody at the hospital said that
22 you could have been fatigued or dehydrated.

23 A Yes.

24 Q Do you recall saying that?

25 A Yes.

1 Q And -- and was that a physician there at
2 the OU Medical Center where you were taken?

3 A I don't recall who it was. I talked to
4 many people and I was groggy, so, yeah, I don't
5 remember.

6 Q And then you also said, in response to one
7 of Mr. Pignato's questions, that -- that someone at
8 the hospital may have said you had a sudden loss of
9 consciousness, right?

10 Now, you would agree with me those are --
11 those are two different -- I suppose they could be
12 two different things, right?

13 A Yes.

14 Q If you're fatigued and dehydrated, I
15 suppose you could pass out and lose consciousness,
16 right?

17 A Yes.

18 Q But fatigue and dehydration would be
19 something within your control. You agree with that?

20 A Sure.

21 Q All right. If you're feeling dehydrated,
22 if you're feeling fatigued, it's time to pull over
23 and stop driving. Agree?

24 A Uh-huh.

25 Q Yes?

1 A Yes.

2 Q You shouldn't keep driving if you're
3 fatigued and dehydrated to the point that you lose
4 consciousness and run off the roadway, right?

5 A Correct.

6 Q And if that's what occurred here, you would
7 agree the accident would be your fault, and by
8 extension, the fault of HL Motor Group. Agree?

9 A I wouldn't -- I didn't feel that way so I
10 don't know how I can agree with that.

11 Q Well, when you say you didn't feel that
12 way, you've kind of said some different things here
13 today. You've -- you've indicated you don't remember
14 that day at all. Okay? You've said that many times
15 throughout the deposition.

16 You've also said that -- that -- that you
17 remember needing to take your break, that you felt
18 like you were looking for your next break stop,
19 right?

20 A Yes, that is -- I remember the -- wanting
21 to pick the break.

22 Other than that, meaning the day,
23 significant parts of it, meaning what happened there,
24 that, I do not remember.

25 Q Right. So --

1 A The only thing I remember is I was planning
2 on stopping at some point.

3 Q All right. But --

4 A That's the only thing I remember. I don't
5 remember being fatigued or thirsty or anything like
6 that. I really do not.

7 Q Okay. But you also don't remember the
8 reverse of that. You don't remember feeling, "Hey,
9 I'm not fatigued. I feel great. Life is good, I
10 could keep going for another 500 miles." You don't
11 remember feeling that, either, right?

12 A I have never felt that in my life, no.

13 Q Okay. Well, I'm just trying to figure out,
14 are -- are you saying you were not feeling fatigued
15 or you were not dehydrated, or are you simply saying
16 you don't recall feeling either of those things?

17 A I don't -- if I had felt that, which I have
18 in the past, I would have done something about it,
19 but I don't remember feeling that.

20 Q And the something you would have done about
21 it would be look for a place to pull over and take a
22 break, right?

23 A Yeah, there's always somewhere close by.

24 Q Okay. And, in fact, that's the last thing
25 you remember is looking for a place to pull over and

1 take a break?

2 A Yes.

3 Q And can you tell us, with any degree of
4 certainty, who at the hospital said these various
5 things to you, "fatigue, dehydration, loss of
6 consciousness," any of that?

7 A I really don't know. There's many nurses
8 and doctors. I -- I don't know. I really cannot
9 recall.

10 Q And I understand and we lawyers have to
11 work through some -- some different legal issues and
12 so I want to give you a fair chance to -- you know, I
13 don't want to cut you off. In fact I want to do the
14 opposite. I want to get as much out of you as I can
15 regarding who said what.

16 And so to the extent someone at the
17 hospital said anything to you like, "You had this
18 unexplained medical condition that caused you to run
19 off the road," then we need to drill down and
20 identify who that person was as best we can.

21 I know you may not know their name. I
22 respect that, but -- but, number one, did anybody say
23 anything like that, that you had a medical condition
24 that caused you to run off the roadway?

25 A They -- they said that it was some type of

1 loss of consciousness. I don't know who. I don't
2 know, again, their names. I -- I --

3 Q You don't remember their title or what they
4 were wearing or -- or --

5 A No.

6 Q -- or anything like that?

7 A I didn't even know why I was there. I was
8 so confused. So, yeah, I just asked what I'm doing
9 there anyway. So, yeah, I was just looking for
10 answers. I didn't have time for that. I was just so
11 confused and scared, to be honest. So, yeah.

12 Q Well, speaking of looking for answers, all
13 right -- and I would assume you would want an answer
14 as to why you ran off the road two and a half years
15 ago and ran into these houses and these cars.

16 To this day, in two and a half years, have
17 you ever been given a diagnosis of a medical event
18 that caused you to run off the road?

19 A I don't recall, no.

20 Q And are you aware of any diagnostic tests
21 or lab results, chemistry results, et cetera, that
22 would explain why you may have lost consciousness?

23 A Not that I know of.

24 Q Is that truck, provided to you by HL Motor
25 Group, did it -- was it equipped with cameras?

1 A I'm not sure.

2 Q You don't recall that as part of your
3 training or something that you observed as you drove
4 down the road?

5 A No. A lot of them are, some aren't. So
6 maybe they were there, maybe they're not.

7 Q You wouldn't know -- you wouldn't know what
8 to look for?

9 A I don't recall.

10 Q Have you ever driven a truck that has a
11 driver-facing camera?

12 A I don't recall.

13 Q You know what I'm talking about? Some
14 companies will have a camera that -- that is a dash
15 camera that points out at the road ahead and some
16 companies will --

17 A Yeah, yeah, I'm aware of that. But if you
18 look at the screen, I don't know what's a camera,
19 what isn't. Honestly, I don't care. So if it's
20 there, it's there, if it's not, it's not. So I don't
21 know if it had one or not.

22 Q Have you -- have you driven for this
23 company since your accident?

24 A No.

25 Q Did they terminate you as a result of the

1 accident?

2 A I believe so.

3 Q Did they tell you why they were terminating
4 you?

5 A No.

6 Q Did you ask?

7 A No. I -- well, kind of. They just wanted
8 to know what happened, and I'm telling you what I
9 told them is the same thing. So, yeah, that was the
10 end of that.

11 Q Did they tell you that they believed you'd
12 done anything wrong or improper?

13 A No, I don't think so.

14 Q How about the opposite. Did they tell you
15 you did everything right and it wasn't your fault?

16 A I don't remember what we talked about, to
17 be honest.

18 Q Okay.

19 A Specifically.

20 Q So you -- we know that you went to the
21 hospital because of your injuries.

22 Do you know whether you underwent any drug
23 and alcohol screening while you were there?

24 A Yes.

25 Q Have you ever been told the results?

1 A Yes.

2 Q And what was that?

3 A That I was clean.

4 Q Did HL Motor Group require you to complete
5 any paperwork as a result of the accident, like an
6 incident report or an accident report?

7 A I don't recall.

8 Q If -- if they would have asked you to, even
9 though they fired you, would you have filled out
10 their paperwork?

11 A Sure, I guess.

12 Q Did they fire you over the phone while you
13 were still in Oklahoma?

14 A I don't recall. I don't think so. I don't
15 recall.

16 Q How did you get back to Canada?

17 A Another employee drove me.

18 Q Explain.

19 A He was in the area.

20 Q So HL Motor Group had a truck driver in the
21 area that picked you up from your hotel and you just
22 rode with him back to Canada?

23 A Yes.

24 Q How long were you here before you got
25 picked up?

1 A Like, a day.

2 Q Just one night in the hotel?

3 A Yeah, I think so.

4 Q Okay. Did -- when you got back to Canada,
5 did you go to HL Motor Group's headquarters and talk
6 to anybody?

7 A Not that day.

8 Q At any time, did you go to their
9 headquarters?

10 A Yes.

11 Q Okay. But you don't remember whether you
12 filled out any paperwork or not?

13 A I don't recall, no.

14 Q After the accident -- I assume you had a
15 cell phone with you?

16 A Yes.

17 Q After the accident, did you make any phone
18 calls or text messages to anyone regarding the fact
19 that you'd been in an accident?

20 A I -- I assume so. I don't remember who
21 exactly.

22 You mean the company or what?

23 Q Any -- well, the company, maybe a loved
24 one, a friend back home, anything like that?

25 A Sure. I'm sure I did. I don't remember

1 exactly who, but I'm sure I did.

2 Q I assume this was a personal cell phone as
3 opposed to a company-issued phone?

4 A Yes.

5 Q Who is your -- at the time, who was your
6 phone service with?

7 A I'm not sure. I -- in the states I used a
8 pre-paid one. I'm not sure who it was.

9 Q All right.

10 A Because you can get one at a stop, like
11 pre-paid ones. Yeah, pre-paid. It's cheaper to use
12 those, so I'm not sure who it was. You just buy them
13 off the rack.

14 Q Have you returned to truck driving since
15 the accident?

16 A No.

17 Q Is there a reason for that?

18 A I -- no. I don't know. Personal reasons,
19 I suppose.

20 Q It's not due to any medical condition or
21 illness or anything like that?

22 A No, I just like it here in Europe. That's
23 it.

24 MR. STEWART: Gentlemen, I think I am just
25 about wrapped up. Let me check these notes and then

1 let's take just a few minutes and maybe Jerry and I
2 can collaborate and see if we're about done. So
3 let's take a five-minute break.

4 MR. PIGNATO: You bet.

5 (Recess taken from 4:20 p.m. to 4:25 p.m.)

6 MR. STEWART: All right. So, counsel, this
7 will confirm that the discussion that we had off the
8 record we'll put now on the record that the parties
9 stipulate and agree that the questions and answers
10 from the two plaintiff lawyers today will be allowed
11 to be used in both cases for trial in the event that
12 the cases should be bifurcated or separated for trial
13 purposes. Agreed?

14 MR. FRANZ: Agreed.

15 MR. PIGNATO: Agreed.

16 Q (By Mr. Stewart) All right. Mr. Milanovic,
17 I have two more short topics for you.

18 The first is with regard to the damages
19 sustained by -- by the -- the parties whose property
20 was damaged and destroyed as a result of the
21 accident.

22 Would it be accurate to say, since you
23 don't know anything about those damages and never
24 even saw photographs of those damages until today,
25 that -- that you don't -- you won't offer any

1 evidence or personal opinion regarding the amount or
2 the extent of those damages, true?

3 A I would have no idea.

4 Q And then finally, sir, we are scheduled for
5 trial in this case in September of this year. Do you
6 have any idea what your plans are for September of
7 2023 in -- specifically what country you will be in?

8 A Here.

9 Q Serbia? So you have no intentions of
10 returning to North America?

11 A No.

12 Q All right. And you may want to discuss
13 this with your counsel, but -- but do you have any
14 intentions of appearing live in the Western District
15 of Oklahoma to appear in person for trial?

16 A Am I obligated to do so?

17 Q Well, that will be between you --

18 MR. FRANZ: We can talk about that,
19 Mr. Milanovic.

20 Q (By Mr. Stewart) Yeah. All right. I think
21 I hear you telling me, Mr. Milanovic, if you are
22 required to be here, that -- that you will be, if
23 you're not required, you won't be. Is that fair?

24 A Fair.

25 MR. STEWART: Okay. With that, I have no

1 further questions.

2 MR. FRANZ: No questions.

3 MR. PIGNATO: No further questions.

4 MR. STEWART: Mr. Milanovic, under the
5 rules that are applicable here --

6 MR. FRANZ: We'll waive.

7 MR. STEWART: Okay. Very good.

8 Do you accept your attorney's advice and
9 waive your ability to read and sign this deposition?

10 THE WITNESS: I do.

11 MR. STEWART: All right. Thank you. With
12 that, we will end the deposition as well as the
13 record, but, counsel, if you would stay on the Zoom
14 conference for just a bit.

15 (Deposition adjourned at 4:28 p.m. CST)

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C E R T I F I C A T E

STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)

I, Jana C. Hazelbaker, Certified Shorthand Reporter within and for the State of Oklahoma, do hereby certify that OGNJEN MILANOVIC, was by me first duly sworn to testify the truth, the whole truth, and nothing but the truth, in the case aforesaid; that the above and foregoing videotaped videoconference deposition was by me taken in shorthand and thereafter transcribed; that the same was taken on MARCH 15, 2023, located in BELGRADE, SERBIA; that I am not an attorney for nor relative of any of said parties or otherwise interested in the event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 20th day of March, 2023.

Jana C. Hazelbaker, CSR
State of Oklahoma CSR No. 1506